
STATUTORY INSTRUMENTS

2006 No. 1915

The Education (Northern Ireland) Order 2006

PART II
THE CURRICULUM

Interpretation

Interpretation: the curriculum

3.—(1) In this Part—

“area of learning” shall be construed in accordance with Article 6(1);

“assess” includes examine and test;

“assessment arrangements” means arrangements for assessing pupils in a school year for the purpose of ascertaining what they have achieved in that year;

“contributory element”, in relation to an area of learning, has the meaning given by Article 6(2);

“cross-curricular skill” means a skill listed in Article 8(2);

“directions” means directions in writing;

“key stage”, or references to a particular key stage, shall be construed in accordance with paragraph (3);

“levels of progression” means levels determined for the purpose of measuring the progress of pupils in the development of a cross-curricular skill;

“minimum content”, in relation to an area of learning and a key stage, means the knowledge, understanding and skills within that area of learning which are required to be taught to pupils of different abilities and maturities during that stage;

“NICCEA” means the Northern Ireland Council for the Curriculum, Examinations and Assessment;

“relevant board” in relation to a grant-aided school, means the board for the area in which the school is situated;

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

“skill” includes any personal capability.

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

(a) religious education; and

(b) the minimum content of the areas of learning other than that called Language and literacy, is conducted (wholly or partly) in Irish, and “school” includes part of a school.

(3) For the purpose of this Part the key stages in relation to a pupil are as follows—

- (a) the foundation stage is the period beginning with his becoming of compulsory school age and ending at the same time as the school year in which the majority of pupils in his class complete two school years in that stage;
 - (b) key stage 1 is the period beginning at the same time as the next school year after the end of the foundation stage and ending at the same time as the school year in which the majority of pupils in his class complete two school years in that key stage;
 - (c) key stage 2 is the period beginning at the same time as the next school year after the end of key stage 1 and ending at the same time as the school year in which the majority of pupils in his class complete three school years in that key stage;
 - (d) key stage 3 is the period beginning at the same time as the next school year after the end of key stage 2 and ending at the same time as the school year in which the majority of pupils in his class complete three school years in that key stage;
 - (e) key stage 4 is the period beginning at the same time as the next school year after the end of key stage 3 and ending at the same time as he ceases to be of compulsory school age.
- (4) In paragraph (3) “class”, in relation to a particular pupil, means the teaching group in which he is regularly taught or, where there are two or more such groups, such one of them as may be designated by the principal of the school.
- (5) The Department may by order amend paragraph (3).
- (6) For the purposes of this Part Irish is to be treated as an official language of the European Union at any time before 1st January 2007 (on which date it becomes an official language).

General duty

General duty in 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, emotional, 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 life by equipping them with appropriate knowledge, understanding and skills.

Statutory requirements relating to curriculum

The curriculum: main requirements

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

- (a) include provision for religious education for all registered pupils at the school in accordance with such of the provisions of Article 21 of the 1986 Order as apply in relation to the school; and
- (b) in so far as it relates to registered pupils at the school of compulsory school age, meet the requirements of Articles 6 to 9.

(2) In Articles 6 to 9—

- (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.
- (3) Nothing in those Articles requiring particular matters to be included in the curriculum of a grant-aided school is to be taken to preclude the inclusion in that curriculum of any other matter.

Areas of learning and contributory elements

- 6.—(1) The curriculum for every grant-aided school shall include—
- (a) in relation to pupils in the foundation stage, the areas of learning set out in column 1 of Part I of Schedule 1;
 - (b) in relation to pupils in key stages 1 and 2, the areas of learning set out in column 1 of Part II of that Schedule;
 - (c) in relation to pupils in key stage 3, the areas of learning set out in column 1 of Part III of that Schedule;
 - (d) in relation to pupils in key stage 4, the areas of learning set out in column 1 of Part IV of that Schedule.
- (2) For the purposes of this Part, the elements (“the contributory elements”) which fall within each area of learning listed in column 1 of a Part of Schedule 1 are the elements listed against that area of learning in column 2 of that Part of that Schedule.
- (3) In relation to key stage 4, paragraph (2) applies only in relation to the areas of learning called—
- (a) Learning for life and work; and
 - (b) Physical education.
- (4) The Department may by order amend Schedule 1.

Minimum content

- 7.—(1) The curriculum for every grant-aided school shall, in relation to each area of learning applicable to pupils at the school—
- (a) include such minimum content as is specified in relation to that area of learning and those pupils under paragraph (2);
 - (b) require each pupil at the school to be taught the minimum content within that area of learning; and
 - (c) require that the teaching in that area of learning is consistent with that minimum content.
- (2) The Department may by order specify, in relation to an area of learning and pupils in a key stage, such minimum content as it considers appropriate.
- (3) The minimum content specified in relation to an area of learning and pupils in a key stage must incorporate knowledge, understanding and skills relevant to each of the contributory elements which fall within that area of learning in relation to pupils in that key stage.
- (4) It is the duty of the Department so to exercise the powers conferred by paragraph (2) as—
- (a) to set in place as soon as is practicable minimum content in relation to all the areas of learning and each key stage, and
 - (b) to revise any existing minimum content whenever it considers it necessary or appropriate to do so.

(5) In relation to key stage 4, paragraphs (1) to (4) apply only in relation to the areas of learning called—

- (a) Learning for life and work; and
- (b) Physical education.

Skills

8.—(1) The curriculum for a grant-aided school must ensure, wholly or mainly through the teaching of the minimum content of areas of learning and religious education, the acquisition and development by pupils of—

- (a) the cross-curricular skills; and
- (b) any other skills specified by order of the Department.

(2) The cross-curricular skills are—

- (a) communication;
- (b) using mathematics;
- (c) using information and communications technology.

(3) The Department may by order specify, in relation to a cross-curricular skill and pupils in key stages 1, 2, 3 and 4, such levels of progression as it considers appropriate for that skill.

(4) It is the duty of the Department so to exercise the powers conferred by paragraph (3) as—

- (a) to set in place as soon as is practicable levels of progression in relation to pupils in key stages 1, 2 and 3; and
- (b) to revise any existing levels of progression whenever it considers it necessary or appropriate to do so.

Assessment

9.—(1) The curriculum for every grant-aided school shall require each pupil in each key stage at the school to be assessed in each school year in accordance with such assessment arrangements as are specified in relation to that pupil and that key stage under paragraph (2).

(2) The Department may by order specify, in relation to—

- (a) an area of learning;
- (b) a cross-curricular skill; and
- (c) any other skill specified under Article 8(1)(b),

such assessment arrangements as it considers appropriate for pupils in each key stage.

(3) Assessment arrangements specified under paragraph (2)(b)—

- (a) must, in the case of pupils in key stages 1, 2 and 3, and
- (b) may in the case of pupils in key stage 4,

require pupils to be assessed by reference to levels of progression specified under Article 8(3).

(4) It is the duty of the Department so to exercise the powers conferred by paragraph (2) as—

- (a) to set in place as soon as is practicable assessment arrangements in relation to pupils in the foundation stage and key stages 1, 2 and 3; and
- (b) to revise any existing assessment arrangements whenever it considers it necessary or appropriate to do so.

(5) An order under paragraph (2) may impose such duties on the Boards of Governors and principals of grant-aided schools as appear to the Department to be necessary or expedient for the purpose of implementing the assessment arrangements specified by the order.

Orders under Articles 7 to 9: supplementary

10.—(1) This Article applies to any order under—

- (a) Article 7(2) (power to specify minimum content);
- (b) Article 8(1)(b) (power to specify other skills);
- (c) Article 8(3) (power to specify levels of progression); or
- (d) Article 9(2) (power to specify assessment arrangements).

(2) The order may, instead of containing the provision to be made, refer to provisions in an approved document and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

(3) The order may not require—

- (a) that any particular period or periods of time should be allocated during any key stage to the teaching of any matter; 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.

(4) The Department may refer its proposal to make the order to NICCEA.

(5) Where a proposal is referred to NICCEA under paragraph (4), NICCEA shall, before such date as the Department may direct—

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

(6) In paragraph (2) “approved document” means a document which has been—

- (a) prepared by NICCEA;
- (b) approved by the Department; and
- (c) published by NICCEA.

(7) NICCEA shall send to the Board of Governors of every grant-aided school which appears to NICCEA to be affected a copy of every document published by it under paragraph (6)(c).

Core syllabus for religious education

11.—(1) Subject to paragraph (2), 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 1986 Order.

(2) 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.

(3) Paragraphs (1) and (2) apply with appropriate modifications to amendments to, or a revision of, an existing core syllabus.

(4) An order under paragraph (1) may, instead of containing the provisions to be made, refer to provisions in a document published as specified in the order and direct that those provisions are to have effect or, as the case may be, are to have effect as amended by the order.

Duties relating to the curriculum

Determination of curriculum policy and of curriculum

12.—(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 minimum content specified under Article 7(1) which forms part of that curriculum;
- (b) any specification for a course of study which forms part of that curriculum and leads to an examination for a qualification approved under Article 81 of the 1998 Order; 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 1986 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 send a copy of every statement made by it under paragraph (1)(b) to—

(a) the relevant board; and

(b) if the school is a Catholic maintained school, the Council for Catholic Maintained Schools.

Duties with respect to requirements of this Part

13.—(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 minimum content for each area of learning is taught as required by the school's curriculum as subsisting at the beginning of that year;

(c) that pupils are assessed as required by Article 9(1).

(2) In relation to any grant-aided school and any time before the coming into operation of an order under Article 7(2) specifying minimum content in relation to a particular area of learning and pupils in a key stage, 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 knowledge, understanding and skills falling within that area of learning are taught to pupils in that key stage 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 the preceding provisions of this Part.

*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 to 9—

- (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) NICCEA, 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) 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 to 9—

- (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 16 of the 1996 Order of his special educational needs may include provision—

- (a) applying Articles 5 to 9 with such modifications as may be specified in the statement; or
- (b) excluding the application of those Articles.

Temporary exemptions 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 to 9—
 - (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 6 months; or

(ii) a period determinable (in such manner as may be specified in the regulations) not later than 6 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 to 9; 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 16 of the 1996 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 15 of the 1996 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 any persons with whom consultation appears to be desirable.

Access to courses for older pupils

Access to courses: pupils in key stage 4

18.—(1) The Board of Governors of a grant-aided school shall, in relation to all registered pupils at the school who are in key stage 4, provide access to at least the specified number of qualifying courses of which—

- (a) not fewer than one third shall be applied courses;
- (b) not fewer than one third shall be general courses;
- (c) at least one shall be a course falling within each area of learning in relation to that key stage;
- (d) at least one shall be a course in an official language of the European Union (other than English and, in Irish speaking schools, Irish).

(2) For the purposes of this Article “the specified number” is such number as the Department may for the time being specify by directions.

(3) For the purposes of this Article a “qualifying course” is a course of study which—

- (a) leads to an external qualification for the time being approved by the Department under Article 81(1) of the 1998 Order; and
- (b) is specified by the Department as a qualifying course for those purposes.

(4) For the purposes of this Article a Board of Governors of a grant-aided school provides access to a qualifying course if—

- (a) the course is provided by the school; or
- (b) the course is provided on behalf of the school in accordance with arrangements made under Article 21.

Access to courses: pupils over compulsory school age

19.—(1) The Board of Governors of a grant-aided school shall, in relation to all registered pupils at the school who are over compulsory school age, provide access to at least the specified number of qualifying courses of which—

- (a) not fewer than one third shall be applied courses;
- (b) not fewer than one third shall be general courses.

(2) For the purposes of this Article “the specified number” is such number as the Department may for the time being specify by directions.

(3) For the purposes of this Article a “qualifying course” is a course of study which—

- (a) leads to an external qualification for the time being approved by the Department under Article 81(2) of the 1998 Order; and

(b) is specified by the Department as a qualifying course for those purposes.

(4) For the purposes of this Article a Board of Governors of a grant-aided school provides access to a qualifying course if—

- (a) the course is provided by the school; or
- (b) the course is provided on behalf of the school in accordance with arrangements made under Article 21.

“Applied” and “general” courses

20. For the purposes of Articles 18 and 19 the Department shall issue and may from time to time revise—

- (a) a list of courses appearing to the Department to be wholly or mainly applied courses; and
- (b) a list of courses appearing to the Department to be wholly or mainly general courses;

and in those Articles reference to an applied course is to a course for the time being included in the list under paragraph (a) and reference to a general course is to a course for the time being included in the list under paragraph (b).

Arrangements for provision of secondary education on behalf of a grant-aided school

21.—(1) The Board of Governors of a grant-aided school may enter into arrangements to secure the provision of secondary education on behalf of the school by—

- (a) any other grant-aided school;
- (b) any institution of further education;
- (c) any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education.

(2) Arrangements under this Article—

- (a) shall be in writing;
- (b) shall be made—
 - (i) in the case of arrangements under paragraph (1)(a), with the Board of Governors of the other grant-aided school;
 - (ii) in the case of arrangements under paragraph (1)(b), with the governing body of the institution of further education;
 - (iii) in the case of arrangements under paragraph (1)(c), with the person or body in question;
- (c) may be varied from time to time;
- (d) may include such terms and conditions as the Board of Governors think necessary or appropriate, including terms and conditions—
 - (i) as to any charges to be paid by the Board of Governors;
 - (ii) as to the nature and quality of the secondary education to be provided under the arrangements;
 - (iii) as to the provision to the Board of Governors of such reports and other information and the carrying out on behalf of the Board of Governors of such actions as will facilitate or assist the Board of Governors in carrying out any statutory duty in relation to the pupils to whom the arrangements relate;
 - (iv) designed to safeguard the welfare of such pupils, to protect such pupils from abuse or to provide for discipline among such pupils.

(3) In determining—

- (a) whether to enter into any arrangements under this Article; and
- (b) the terms and conditions on which to enter any such arrangements,

a Board of Governors shall take account of such guidance as may from time to time be issued by the Department.

(4) In Article 14 (1) of the Further Education (Northern Ireland) Order 1997 (principal powers of governing body of institution of further education) for sub-paragraph (aa) substitute—

- “(aa) to provide secondary education—
 - (i) for registered pupils of a grant-aided school in accordance with arrangements entered into under Article 21 of the Education (Northern Ireland) Order 2006;
 - (ii) for children who are not registered pupils at any grant-aided school in accordance with arrangements entered into with a board under Article 83(2)(b) of the Education (Northern Ireland) Order 1998”.

Exceptions

22.—(1) The Department may direct as respects a particular grant-aided school or any description of grant-aided school that, for such period as may be specified in the direction, Article 18 or Article 19 or both Articles—

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

(2) Before giving a direction under paragraph (1) which affects any school the Department shall consult—

- (a) the relevant board; and
- (b) in the case of a Catholic maintained school, the Council for Catholic Maintained Schools.

(3) The Department may make it a condition of a direction under paragraph (1) affecting any school that the Board of Governors or relevant board should, when so directed or at specified intervals, report to the Department on any matters specified by the Department.

Miscellaneous and supplementary

Curriculum advice and support by boards

23.—(1) Each board shall prepare and submit to the Department a scheme for the provision to all grant-aided schools 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 shall in particular contain provision—

- (a) requiring the board, in accordance with a programme prepared under Article 149 of the 1989 Order, 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 in its area; 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 in accordance with this Article; 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 (7) shall apply in relation to any such revised scheme or amendment as they apply in relation to the scheme.

Provision of information

24.—(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 the courses of study which are provided by or on behalf of the school; 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 12(1)(b); and
 - (ii) any report prepared by the Board of Governors under Article 125 of the 1989 Orderas 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—
- (a) the boards;
 - (b) the Council for Catholic Maintained Schools;
 - (c) the Boards of Governors and principals of a number of grant-aided schools selected by the Department as being a representative sample of all such schools affected by the regulations; and
 - (d) 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 any school attended by the pupil concerned;
 - (c) the Board of Governors of any other school if—
 - (i) the pupil has been admitted to that school; or
 - (ii) the parent of the pupil requests that the information be made available to that Board;
 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 area of learning or skill in a school year if at any time during that school year any provision has been made under Article 14, 15, 16 or 17 in relation to that pupil excluding or modifying the application of any of Articles 5 to 9 in relation to that area of learning or skill.
- (7) References in this Article to an assessment of a pupil are references to an assessment whether made under this Part or otherwise.

Complaints

25.—(1) Every board shall, in accordance with regulations under paragraph (4), appoint a tribunal (in this Article referred to as a complaints tribunal) to hear and determine any complaint which is to the effect that the board or the Board of Governors of a grant-aided school in its area—

- (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 a relevant provision; or
 - (b) has failed to discharge any such duty.
- (2) In paragraph (1) “relevant provision” means—
- (a) any of the preceding provisions of this Part;

- (b) Articles 148 and 149 (in the case of a board only) of the 1989 Order;
- (c) any other statutory provision relating to the curriculum for grant-aided schools;
- (d) any statutory provision relating to collective worship in grant-aided schools; or
- (e) Article 46A of the 1986 Order.

(3) For the purposes of any complaint made by virtue of paragraph (2)(e), a board or Board of Governors shall not be taken to have acted or to be proposing to act unreasonably if it has complied, or is proposing to comply, with the guidance issued under Article 46A(6) (in the case of a Board of Governors) or (7) (in the case of a board) of the 1986 Order.

(4) 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 contain provision requiring the tribunal to hear and determine the appeal within such period as may be specified in, or determined in accordance with, the regulations;
- (c) may provide for the tribunal in considering a complaint to have regard in particular to any matters specified in the regulations;
- (d) may provide for the tribunal to sit in private, except in such circumstances as may be specified in, or determined in accordance with, the regulations;
- (e) 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.

(5) 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”).

(6) 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 (5) 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.

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

(8) Where any matter is referred to the Department under paragraph (7) 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 1986 Order as appear to the Department to be expedient for the purpose of remedying the matter.

(9) The Department shall not entertain under Article 101(4) of the 1986 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.

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

(11) Article 79(1) of the 1986 Order shall apply to members of a complaints tribunal as it applies to members of a board.

Application of this Part

26.—(1) Nothing in this Part, except—

- (a) Article 23;
- (b) Article 24(1) to (4) with the omission of the words in brackets in Article 24(2)(a)(iii) and of Article 24(2)(b)(i); and
- (c) Article 25, in so far as it applies for the purposes of those provisions,

shall apply in relation to a nursery school or a nursery class in a primary school.

(2) Nothing in this Part, except—

- (a) Article 23; and
- (b) Article 25, in so far as it applies for the purposes of that Article,

shall apply in relation to a school established in a hospital.