
EXPLANATORY NOTE

(This note is not part of the Regulations)

Under Article 25 of the Education (Northern Ireland) Order 2006 (the 2006 Order), the Education Authority (“EA”) is required, in accordance with Regulations, to appoint a complaints tribunal to hear and determine any complaint made on or after the coming into operation of that Article which is to the effect that the EA or Board of Governors of a relevant school 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) Part II of the 2006 Order (the Curriculum);
- (b) Articles 148-149 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 (commencement of secondary education) or has failed to discharge any such duty.

Articles 148-149 of the 1989 Order relating to training.

These Regulations provide for the constitution and procedure of complaints tribunals.

Regulation 3 provides that a complaints tribunal shall be constituted in accordance with Schedule 1 and Regulation 4 provides for the procedure of a complaints tribunal to be in accordance with Schedule 2. Regulation 5 sets out the Regulations that have been revoked.

Paragraphs 1, 2 and 3 of Schedule 1 relate to the size and membership of complaints tribunals and paragraph 4 provides for the election of a chairperson of a complaints tribunal. Paragraph 5 disqualifies certain persons or descriptions of persons from membership of a complaints tribunal.

Paragraphs 1 and 2 of Schedule 2 deals with the form of a complaint and the normal timescales within which it will be heard. Paragraphs 3 and 4 provide for the complainant and the respondent to make written representations and to appear before a complaints tribunal to make oral representations. Paragraph 5 provides that the chairperson of a complaints tribunal shall determine the order of oral representations to be made and paragraph 6 provides for complaints to be heard in private except where the EA determines otherwise. Paragraph 7 provides that in the event of disagreement between members of a complaints tribunal any matter under consideration shall be decided by a simple majority and paragraph 8 provides for all other matters relating to the procedure on the hearing or determination of complaints to be determined by the complaints tribunal.