

EXPLANATORY MEMORANDUM TO

The Complaints Tribunal (Curriculum and Related Matters) Regulations (Northern Ireland) 2016

SR 2016 No. 111

Introduction

This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

The Statutory Rule is made under Article 25 of the Education (Northern Ireland) Order 2006 (the 2006 Order), whereby the Education Authority (“EA”) is required, in accordance with the above Regulations, to appoint a complaints tribunal to hear and determine a complaint. It is subject to the negative resolution procedure.

Background

The complaints tribunal must consider whether 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.

Consultation

The Department conducted an 8 week consultation from 14 December 2015 to 8 February 2016. The consultation document was available on the Department’s website. All relevant stakeholders were notified including Section 75 groups. A letter to Executive colleagues notifying them of the consultation was sent on 11 December 2015. Two responses to the consultation were received. Neither response commented on the wording of the regulations.

Financial Effects of the Bill

There are no financial implications arising from the implementation of the Rule.

Equality Impact Assessment

The policy has been equality screened out because it is considered that the proposed regulations have no differential impact on any Section 75 category.

Section 24 of the Northern Ireland Act 1998

The Regulations are considered compatible with section 24 of the Northern Ireland Act 1998.

Human Rights Impact

The Department considers that the provisions in the Regulations are in compliance with Human Rights legislation.

Regulatory Impact

A Regulatory Impact Assessment is not required, because the proposals result in no costs or savings, or restriction on businesses, charities, social economy enterprises or the voluntary sector.

EU Implications

There are no EU implications associated with the draft Regulations.

Parity or Replicatory Measure

Not applicable.

Additional Information

None.