

*These notes refer to the Shared Education Act (Northern Ireland) 2016 (c.20) which received Royal Assent on 9 May 2016*

# Shared Education Act (Northern Ireland) 2016

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### ***Section 5: ‘Power of Department of Education and Education Authority to form company for purposes connected with shared education’***

Section 5 provides the Department of Education (DE) and the Education Authority with the power to form or participate in a company formed under the Companies Act 2006 in respect of the advancement of shared education. This section is intended to facilitate the ownership and management of shared education campuses.

Shared education campuses are a headline action in the *OFMDFM Together: Building a United Community* strategy – specifically, the commencement of 10 new shared education campuses by 2018. The Strule Campus will also be a shared education Campus. Examples would include, but are not restricted to, a Controlled and a Catholic Maintained school coming together within a shared campus; or two schools from different management sectors sharing facilities.

While there will be no change in the character, identity or ethos of schools involved in a shared education campus, they will be engaged in shared education and sharing facilities or buildings. Schools will continue to operate as separate institutions with their own individual Board of Governors. An important factor is that schools consider themselves to be partners in their project irrespective of current or future enrolment changes.

As work has progressed with the initial group of schools that successfully applied for capital investment in a shared campus or facilities, new issues in terms of the purchase/ownership of land and management/governance arrangements have emerged for both DE and the Managing Authorities. The key emerging issue is the purchase and ownership of the land which is to be jointly occupied by two or more schools from two or more separate school management sectors. Purchase of the land by either ‘owner’ (i.e. the Education Authority or Catholic Trustees) is not considered to be a viable option.

The establishment of a company, formed equally by the Education Authority (EA) and the school Trustees, has emerged as a possible option for the purchase/ownership of land and management of shared education campuses. While it is envisaged that the EA will primarily form and participate in any such companies,

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the section also applies to DE in the event the EA and School Trustees agree this is preferable. School Trustees in the Catholic maintained sector have been using the framework of a charitable company limited by guarantee for ownership of Catholic maintained schools in particular Dioceses for several years. However there is currently no specific legislation that allows the DE or Education Authority to establish or participate in a company. Section 4 provides the legislative provision for this.

As this provision is within the scope of the Shared Education Act, the ability to form such a company is restricted to shared education purposes only.