
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART V

FINANCING SCHOOLS

Financing of controlled and maintained schools

Suspension of right of Board of Governors to delegated budget or to have sums of money made available to it

53.—(1) Where it appears to a board, in the case of any school in respect of which financial delegation is required for the current financial year under a scheme, that the Board of Governors of the school—

- (a) has been guilty of a substantial or persistent failure to comply with any requirements or conditions applicable under the scheme; or
- (b) is not managing the appropriation or expenditure of the sum put at its disposal for the purposes of the school in a satisfactory manner,

the board may suspend the Board of Governors' right to a delegated budget by giving the Board of Governors (subject to paragraph (4)) not less than one month's notice of suspension.

(2) Where it appears to a board that a Board of Governors to which any sum is made available under the scheme in accordance with Article 51—

- (a) has been guilty of a substantial or persistent failure to comply with any requirements or conditions applicable under the scheme; or
- (b) is not managing the appropriation or expenditure of the sum in a satisfactory manner,

the board may suspend the Board of Governors' right under the scheme to have such a sum of money made available to it by giving the Board of Governors (subject to paragraph (4)) not less than one month's notice of suspension.

(3) Any notice under paragraph (1) or (2) shall specify the grounds for the proposed suspension, giving particulars of any failure alleged on the part of the Board of Governors to comply with any requirements or conditions applicable under the scheme and of any alleged mismanagement on its part; and a copy of the notice shall be given to the principal of the school, to the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools at the same time as the notice is given to the Board of Governors.

(4) A board may suspend the right mentioned in paragraph (1) or in paragraph (2) of any Board of Governors to which it has given notice under that paragraph before the expiry of the period of notice if it appears to the board to be necessary to do so by reason of gross incompetence or mismanagement on the part of that Board of Governors or other emergency; but in such a case the board shall immediately give to the Board of Governors, the Department and, where the school is a Catholic maintained school, to the Council for Catholic Maintained Schools written notification of its action and the reasons for it.

(5) A board may withdraw a notice given under paragraph (1) or (2) at any time before the expiry of the period of notice; but in such a case the board shall immediately give notice of the withdrawal to the Board of Governors and principal of the school concerned, to the Department and, where the school concerned is a Catholic maintained school, to the Council for Catholic Maintained Schools.

(6) During any period when a Board of Governors' right to a delegated budget is suspended under this Article the duty of the board concerned under Article 50(2) shall not apply in relation to that Board of Governors.

(7) During any period when a Board of Governors' right under a scheme to have a sum of money made available to it is suspended under this Article, the duty of the board concerned mentioned in Article 51 shall not apply in relation to that Board of Governors.

(8) It shall be the duty of the board concerned—

- (a) to review before the beginning of every financial year any suspension under this Article which is for the time being in force;
- (b) for the purposes of that review, to afford—
 - (i) the Board of Governors of the school concerned;
 - (ii) the principal of the school concerned; and
 - (iii) where the school is a Catholic maintained school, the Council for Catholic Maintained Schools,

an opportunity for making representations with respect to the suspension and to have regard to any representations made by the Board of Governors, the principal or that Council;

- (c) to revoke any such suspension where the board considers it appropriate to do so.

(9) The board shall give the Board of Governors concerned, the principal of the school concerned, the Department and, where that school is a Catholic maintained school, the Council for Catholic Maintained Schools written notification of its decision on any such review.

(10) The revocation of any such suspension shall take effect as from the beginning of the next following financial year.

(11) A Board of Governors shall be entitled to appeal to the Department against—

- (a) the imposition of any suspension under this Article; and
- (b) any refusal of a board to revoke any such suspension on any review required under this Article.

(12) On any such appeal the Department—

- (a) may allow or reject the appeal; and
- (b) shall have regard, in making its determination, to the gravity of the default on the part of the Board of Governors and the likelihood of its continuance or recurrence.