
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VI

INTEGRATED EDUCATION

CHAPTER III

CONTROLLED INTEGRATED SCHOOLS

Management of controlled integrated schools

Management of controlled integrated schools

88. The scheme of management for a controlled integrated school shall require the Board of Governors to use its best endeavours, in exercising its functions under the Education Orders, to ensure that the management, control and ethos of the school are such as are likely to attract to the school reasonable numbers of both Protestant and Roman Catholic pupils.

Constitution of Board of Governors for controlled integrated schools

89.—(1) In Schedule 4 to the principal Order for paragraphs 4 and 5 there shall be substituted the following paragraphs—

“Controlled grammar schools (other than controlled integrated grammar schools) and controlled nursery and special schools

4. There shall be 8, 16 or 24 voting members appointed to the Board of Governors of a controlled grammar school (other than a controlled integrated grammar school), a controlled nursery school or a controlled special school and, subject to paragraph 6, of those members—

- (a) three-eighths shall be chosen by the board responsible for the management of the school;
- (b) one-quarter shall be nominated by the Head of the Department;
- (c) one-quarter shall be elected by parents of pupils attending the school from amongst the parents of such pupils;
- (d) one-eighth shall be elected by assistant teachers at the school from amongst such assistant teachers.

Controlled integrated schools

5.—(1) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school, other than a controlled integrated school to which sub-paragraph (3) applies, and, subject to paragraph 6, of those members—

- (a) two-sevenths shall be elected by parents of pupils attending the school from amongst the parents of such pupils;
 - (b) two-sevenths shall be chosen by the board responsible for the management of the school;
 - (c) one-seventh shall be nominated by the transferors and superseded managers of controlled schools (other than controlled integrated schools) in the area of the board responsible for the management of the school;
 - (d) one-seventh shall be nominated by the nominating trustees of Catholic maintained schools in the area of the board responsible for the management of the school;
 - (e) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.
- (2) Sub-paragraph (3) applies to—
- (a) a controlled integrated grammar school; and
 - (b) a controlled integrated school which immediately before the date on which it became a controlled integrated school was a voluntary school (other than a Catholic maintained school).
- (3) There shall be 14 or 21 voting members appointed to the Board of Governors of a controlled integrated school to which this sub-paragraph applies and, subject to paragraph 6, of those members—
- (a) two-sevenths shall be elected by parents of pupils attending the school from amongst the parents of such pupils;
 - (b) two-sevenths shall be chosen by the board responsible for the management of the school;
 - (c) two-sevenths shall be nominated by the Head of the Department;
 - (d) one-seventh shall be elected by assistant teachers at the school from amongst such assistant teachers.
- (4) It shall be the duty of a board in appointing persons to a Board of Governors under sub-paragraph (1)(b) or (3)(b) to choose for appointment persons appearing to the board to be committed to the continuing viability of the school as a controlled integrated school and it shall be the duty of the Head of the Department in nominating persons for appointment to a Board of Governors under sub-paragraph (3)(c) to nominate persons appearing to the Head of the Department to be so committed.”.
- (2) In paragraph 6 of that Schedule—
- (a) for sub-paragraphs (1) to (3) there shall be substituted the following sub-paragraphs—
 - “(1) Where the board proposes to appoint persons to a Board of Governors under paragraph 2(2)(a), 3(2)(a) or 5(1)(c) or (d) it shall serve on the nominating authorities a notice—
 - (a) stating the board’s intention to appoint such persons; and
 - (b) requesting the nominating authorities to make nominations to the board within a period of 21 days from the date on which the notice is served;

and where the nominating authorities fail to make any nomination requested by such a notice within that period the board may, subject to sub-paragraph (2), appoint such persons as it considers to be suitable for appointment.

 - (2) It shall be the duty of a board in appointing persons to the Board of Governors of a school under sub-paragraph (1)—
 - (a) in the case of a controlled integrated school, to choose for appointment persons appearing to the board to be committed to the continuing viability of the school as a controlled integrated school; and

- (b) in all cases, so far as possible to choose for appointment persons who are resident in the locality served by the school.
- (3) Persons appointed under sub-paragraph (1) shall be deemed for all purposes of this Schedule to have been duly nominated by the nominating authorities.”
- (b) in sub-paragraph (4) for the words “and 5(a) and (e)” there shall be substituted “, 5(1)(a) and (e) and 5(3)(a) and (d)”.
- (3) In paragraph 7 of that Schedule at the end there shall be added the following definition—
““nominating authorities”, in relation to the appointment of any persons to a Board of Governors, means the persons who or bodies which are to nominate persons for the purpose of such appointment.”.

Procedure for acquisition of controlled integrated status

Schools eligible for controlled integrated status

90.—(1) Subject to paragraphs (2) to (4), any controlled or voluntary school is for the purposes of this Chapter eligible for controlled integrated status.

(2) The following are not eligible for controlled integrated status, namely—

- (a) a nursery school;
- (b) a special school;
- (c) a voluntary primary school referred to in Article 11(8) of the principal Order.

(3) A controlled or voluntary school is not eligible for controlled integrated status if a proposal to discontinue the school has been approved by the Department under Article 14(7) of the principal Order.

(4) A voluntary school is not eligible for controlled integrated status if notice of the trustees' intention to discontinue the school has been given under Article 16(1) of the principal Order and has not been withdrawn.

Initiation of procedure for acquisition of controlled integrated status

91. Articles 69 and 70 shall apply for the purposes of the acquisition by a school eligible for controlled integrated status of that status as they apply for the purposes of the acquisition by a school eligible for grant-maintained integrated status of that status; and, accordingly, in those Articles as applied by this Article—

- (a) references to grant-maintained integrated status shall be read as references to controlled integrated status;
- (b) references to provisions of Article 69 or 70 shall be read as references to those provisions as so applied;
- (c) references to Article 71(1) shall be read as references to Article 92(1).

Proposals for acquisition of controlled integrated status

92.—(1) Where in the case of any controlled or voluntary school which is eligible for controlled integrated status the result of a ballot held in accordance with Article 70 (as applied by Article 91) shows a simple majority of votes cast in the ballot by persons eligible to vote in the ballot (within the meaning of that Article (as so applied)) in favour of seeking controlled integrated status for the school, it shall be the duty of the relevant board to submit a proposal for the acquisition of controlled integrated status for the school to the Department together with its views thereon.

(2) Where a board proposes to establish a new controlled integrated school, it shall submit the proposal to the Department.

(3) A proposal under paragraph (1) or (2) shall be in such form and contain such particulars (including the proposed date of implementation) as may be required by the Department and a proposal under paragraph (1) shall be submitted to the Department within such time as may be so required.

(4) A board, after submitting a proposal to the Department under paragraph (1) or (2), shall—

(a) forthwith publish by advertisement in one or more newspapers circulating in the area affected by the proposal a notice stating—

- (i) such particulars of the nature of the proposal as may be required by the Department;
- (ii) that the proposal has been submitted to the Department;
- (iii) that a copy of the proposal can be inspected at a specified place;
- (iv) that objections to the proposal can be made to the Department within two months of the date specified in the advertisement, being the date on which the advertisement first appears;

(b) furnish to any person, on application, a copy of the proposal on payment of such reasonable sum as the board may determine.

(5) Subject to paragraphs (6) and (7), the Department, after considering any objections to a proposal made to it within the time specified in the notice under paragraph (4)(a)(iv), may, after making such modification, if any, in the proposal as, after consultation with the board making the proposal, it considers necessary or expedient, approve the proposal and inform that board accordingly.

(6) The Department shall not approve a proposal under this Article in relation to a school unless it appears to the Department that, if the school were to become, or be established as, a controlled integrated school, the school would be likely to be attended by reasonable numbers of both Protestant and Roman Catholic pupils.

(7) The Department shall not approve a proposal under paragraph (1) in relation to a school unless the school was eligible for controlled integrated status on the date on which the proposal was submitted under that paragraph.

(8) Where the Department rejects any proposal under paragraph (1) in relation to a school, it may require the board to submit a further proposal under that paragraph within such period as it may direct.

(9) Where a proposal under paragraph (1) or (2) in respect of any school is approved by the Department—

- (a) the school shall become, or be established as, a controlled integrated school on the proposed date of implementation; and
- (b) the relevant board shall make provision by means of a Board of Governors appointed by the board for the management of the school as a controlled integrated school on and from that date.

(10) The provisions of the Education Orders shall, subject to any express provision to the contrary, apply to a controlled integrated school in like manner as they apply to a controlled school which is not a controlled integrated school.

Effect of pending procedure for acquisition of controlled integrated status

93.—(1) This Article applies to a controlled or voluntary school during any period when the procedure under this Chapter for acquisition of controlled integrated status is pending in relation to the school.

(2) For the purposes of this Article that procedure is pending in relation to a school when it has been initiated in relation to the school on any occasion and not terminated (as initiated on that occasion).

(3) For those purposes that procedure is to be regarded as initiated in relation to any school on any occasion—

- (a) where the Board of Governors of the school has decided to hold a ballot in accordance with Article 70 by a first resolution passed as mentioned in paragraph (1)(a) of Article 69, on receipt by the relevant board, in the case of a controlled school, or the trustees of the school, in the case of a voluntary school, of notice under Article 69(3) of that decision;
- (b) where such a request as is mentioned in paragraph (1)(b) of that Article has been received by the Board of Governors, on receipt by the relevant board, in the case of a controlled school, or the trustees of the school, in the case of a voluntary school, of notice under paragraph (4)(b) of that Article that such a ballot is to be held.

(4) For those purposes that procedure, as initiated on any occasion, is to be regarded as terminated—

- (a) in the case of procedure initiated as mentioned in paragraph (3)(a), if the period of twenty-eight days after that on which the first resolution was passed has expired and the decision to hold a ballot has not been confirmed by a second resolution passed in accordance with Article 69(1)(a); or
- (b) in the case of procedure initiated as mentioned in paragraph (3)(a) or (b) if—
 - (i) the result of the ballot to which that notice relates does not show a majority in favour of seeking controlled integrated status for the school;
 - (ii) a proposal for acquisition of such status for the school which is required to be submitted under Article 92 by reference to the result of that ballot, or any proposal required in substitution for that proposal, is rejected by the Department or withdrawn; or
 - (iii) the school becomes a controlled integrated school.

(5) Where Article 70(8) applies in the case of any such ballot, the references in heads (i) and (ii) of paragraph (4)(b) to the result of that ballot shall be read as references to the result of the second ballot required by that paragraph.

(6) The reference in paragraph (4) to a proposal required in substitution for any proposal for acquisition of controlled integrated status for any school which is required to be submitted under Article 92 by reference to the result of a ballot held in accordance with Article 70 (“the original proposal”) is a reference to any proposal required to be submitted under paragraph (8) of Article 92 on the rejection of—

- (a) the original proposal; or
- (b) any further proposal required to be submitted under that paragraph with respect to the school without a further ballot;

and a proposal under that Article with respect to a school shall not be treated for the purposes of paragraph (4) as rejected in any case where the Department imposes a requirement under paragraph (8) of that Article.

(7) Except with the consent of the Department, the trustees of a voluntary school to which this Article for the time being applies shall not—

- (a) dispose of any property used wholly or partly for the purposes of the school; or
- (b) enter into a contract to dispose of any such property.

(8) Paragraph (7) does not apply in relation to a disposal which is made in pursuance of a contract entered into, or an option granted, before the procedure mentioned in paragraph (1) was initiated in relation to the school.

(9) A disposal or contract shall not be invalid or void by reason only that it has been made or entered into in contravention of this Article and a person acquiring property, or entering into a contract to acquire property, from the trustees of a voluntary school shall not be concerned to enquire whether any consent required by this Article has been given.

(10) During any period when this Article applies to a school—

- (a) no resolution shall be passed by the Board of Governors under Article 69(1)(a); and
- (b) no request shall be made to the Board of Governors under Article 69(1)(b).

(11) In this Article (except paragraph (10)) references to Articles 69 and 70 are references to those Articles as applied by Article 91.

Proposals for alteration, etc. of schools eligible for controlled integrated status

Proposals for alteration, etc. of schools eligible for controlled integrated status

94.—(1) Before formulating in respect of any controlled school which is eligible for controlled integrated status any proposal under Article 14(1)(c), (d) or (e) of the principal Order, a board shall consult the Board of Governors of the school.

(2) Where a proposal for acquisition of controlled integrated status is approved in relation to a school, no proposal shall be submitted under Article 14 of the principal Order in respect of that school between the date on which the proposal for acquisition of controlled integrated status is approved and the proposed date of implementation of that proposal.

(3) Paragraph (4) applies in any case where either—

- (a) after a proposal for acquisition of controlled integrated status has been first submitted to the Department under Article 92 in respect of any school which is eligible for controlled integrated status but before that proposal is withdrawn or determined a proposal in respect of the school is submitted to the Department under Article 14 of the principal Order; or
- (b) after a proposal in respect of any such school has been submitted to the Department under Article 14 of the principal Order but before that proposal is withdrawn or determined a proposal for acquisition of controlled integrated status for the school is first submitted to the Department under Article 92.

(4) In any case to which this paragraph applies, the Department shall consider both proposals together but shall not determine the proposal under Article 14 until it has made its determination with respect to the proposal for acquisition of controlled integrated status.

(5) Where—

- (a) a proposal under Article 14(1)(d) or (e), (2)(d) or (e) or (3)(c) of the principal Order with respect to any school has been approved under Article 14(7) of that Order; and
- (b) the school becomes a controlled integrated school before that proposal has been implemented,

that proposal shall be treated as if it had been published and approved under Article 14 after the school became a controlled integrated school.

Transfer of property and staff

Transfer of property of voluntary school acquiring controlled integrated status

95.—(1) Subject to the following provisions of this Article, on the proposed date of implementation in relation to a controlled integrated school which immediately before that date was a voluntary school—

- (a) all land or other property which, immediately before that date was property held by the trustees of the school for the purposes of the school;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by those trustees for those purposes;
- (c) any property, rights and liabilities of the former Board of Governors of the school,

shall be transferred to, and by virtue of this Order vest in, the relevant board.

(2) Paragraph (1) shall not apply to rights and liabilities under any contract of employment.

(3) Any land or other property transferred to a board under this Article which immediately before the proposed date of implementation was held on trust shall vest in that board as trustee on the trusts applicable immediately before that date under any trust deed regulating the use of the land or other property for the purposes of the school.

(4) The Department may by regulations make provision for the payment of compensation by the Department to the trustees of a voluntary school in respect of land or other property held by them immediately before the proposed date of implementation and transferred under this Article and such regulations may provide—

- (a) for the amount of compensation to be such as may be agreed between the Department and the trustees or, in default of agreement, such as may be determined by the Lands Tribunal;
- (b) for the amount of compensation to be reduced where grants have been paid by the Department in respect of land or other property so transferred and for the calculation of any such reduction.

(5) On the proposed date of implementation in relation to a controlled integrated school which immediately before that date was a voluntary school, the school shall cease to be a voluntary school for the purposes of the Education Orders and the trustees and former Board of Governors of the school shall be absolutely freed and discharged from all responsibility in connection with the school whether under any deed of trust or otherwise.

(6) For the purposes of this Article any interest in a dwelling house or other residence which, immediately before the proposed date of implementation in relation to a controlled integrated school, is used or held for occupation by a person employed to work at the school shall be treated as an interest used or held for the purposes of the school.

(7) In this Article “the former Board of Governors” means, in relation to a controlled integrated school, the Board of Governors of the school immediately before the proposed date of implementation in relation to the school.

Transfer of staff

96.—(1) Subject to paragraph (2), this Article applies to any person who immediately before the proposed date of implementation in relation to a controlled integrated school which is then a voluntary school,—

- (a) is employed by the Board of Governors of the school; or
- (b) is employed by the Council for Catholic Maintained Schools to work solely at the school.

(2) This Article does not apply to—

- (a) any person employed as mentioned in paragraph (1)(a) or (b) whose contract of employment terminates on the day immediately preceding the proposed date of implementation;
 - (b) any person employed as mentioned in paragraph (1)(b) who before that date has been—
 - (i) appointed or assigned by the Council for Catholic Maintained Schools to work solely at another school as from that date; or
 - (ii) withdrawn from work at the school with effect as from that date.
- (3) A person who before the proposed date of implementation has been appointed or assigned by the Council for Catholic Maintained Schools to work at the school as from that date shall be treated for the purposes of this Article as if he had been employed by the Council immediately before that date to do such work at the school as he would have been required to do on or after that date under his contract of employment with the Council.
- (4) References below in this Article to the former employer are references—
- (a) in relation to a person to whom this Article applies by virtue of paragraph (1)(a), to the Board of Governors of the school immediately before the proposed date of implementation; and
 - (b) in relation to a person to whom this Article applies by virtue of paragraph (1)(b), to the Council for Catholic Maintained Schools.
- (5) The contract of employment between a person to whom this Article applies and the former employer shall have effect from the proposed date of implementation as if originally made between him and the relevant board.
- (6) Without prejudice to paragraph (5)—
- (a) all the former employer's rights, powers, duties and liabilities under or in connection with a contract to which that paragraph applies shall by virtue of this Article be transferred to the relevant board on the proposed date of implementation; and
 - (b) anything done before that date by or in relation to the former employer in respect of that contract or the employee shall be deemed from that date to have been done by or in relation to that board.
- (7) Paragraphs (5) and (6) are without prejudice to any right of an employee to terminate his contract of employment if a substantial change is made to his detriment in his working conditions, but no such right shall arise by reason only of the change in employer effected by this Article.

Significant changes to controlled integrated schools

Significant changes to controlled integrated schools

97. The Department shall not approve any proposal made under Article 14(1)(d) or (e) or (3)(c) of the principal Order in relation to a controlled integrated school if in the opinion of the Department the implementation of that proposal would render the school less likely to be attended by reasonable numbers of both Protestant and Roman Catholic pupils.

Miscellaneous and supplementary

Variation of instrument of government relating to controlled integrated school

98. Article 86 shall apply to a controlled integrated school as if for the words “grant-maintained integrated” wherever they occur there were substituted the words “controlled integrated”.

Interpretation (controlled integrated schools)

99.—(1) In this Chapter and in any other provision of this Part as applied by Article 91 or 98—

- (a) references to the proposed date of implementation are references—
 - (i) in relation to any school in respect of which a proposal for acquisition of controlled integrated status is required to be submitted under Article 92(1), to the date specified in accordance with Article 70(4)(b) (as applied by Article 91) in the information given for the purposes of the originating ballot to persons eligible to vote in that ballot (within the meaning of Article 70 (as so applied)); and
 - (ii) in relation to any school in respect of which such a proposal has been submitted under Article 92(1), to the date specified in the proposal as the proposed date of implementation;
- (b) references, in relation to any school in respect of which such a proposal has been approved, to the proposal are references to the proposal as approved;
- (c) “relevant board” means—
 - (i) in relation to a controlled school, the board responsible for the management of the school;
 - (ii) in relation to a maintained school, the board by which the school is maintained;
 - (iii) in relation to a voluntary school, other than a maintained school, the board for the area in which the school is situated;
 - (iv) in relation to a proposal to establish a new controlled integrated school, the board for the area in which the school is proposed to be situated.

(2) In relation to any proposal for acquisition of controlled integrated status required to be submitted under Article 92(1) in respect of any school, the reference in paragraph (1)(a) to the originating ballot is a reference—

- (a) where paragraph (1) of that Article applies, to the ballot by reference to which it applies; and
- (b) where the proposal is required to be published by virtue of a requirement imposed by the Department under paragraph (8) of that Article, to the last ballot held in accordance with Article 70 (as applied by Article 91) in relation to the school before that requirement was imposed.