
STATUTORY INSTRUMENTS

1989 No. 2406

The Education Reform(Northern Ireland) Order 1989

PART VI

INTEGRATED EDUCATION

CHAPTER I

GENERAL FUNCTIONS OF DEPARTMENT AND BOARDS

General functions of Department and boards in relation to integrated education

64.—(1) It shall be the duty of the Department to encourage and facilitate the development of integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils.

(2) The Department may, subject to such conditions as it thinks fit, pay grants to any body appearing to the Department to have as an objective the encouragement or promotion of integrated education.

(3) It shall be the duty of a board to provide free of charge to any person seeking it advice and information about—

- (a) the procedures for acquisition by a school of controlled integrated status;
- (b) the implications for a school of the acquisition of that status.

CHAPTER II

GRANT-MAINTAINED INTEGRATED SCHOOLS

Duty of Department to maintain grant-maintained integrated schools

Duty of Department to maintain grant-maintained integrated schools

65.—(1) Subject to this Chapter, it shall be the duty of the Department to maintain any school under the control and management of a Board of Governors incorporated under this Chapter.

(2) For the purposes of this Chapter, the duty of the Department to maintain a school is a duty to make such payments in respect of expenditure incurred or to be incurred in carrying on the school as are required by Article 77.

(3) A school to which the Department's duty under this Article for the time being applies shall be known as a grant-maintained integrated school.

*Management of grant-maintained integrated schools***Management of grant-maintained integrated schools**

66.—(1) Each grant-maintained integrated school shall be under the control and management of a Board of Governors constituted in accordance with the provisions of Schedule 5.

(2) The scheme of management for a grant-maintained 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.

Powers of Board of Governors

67.—(1) Subject to the provisions of this Article and to any provision of the scheme of management for the school, section 19 of the Interpretation Act (Northern Ireland) 1954⁽¹⁾ shall apply to the Board of Governors of a grant-maintained integrated school.

(2) Subject as aforesaid, the Board of Governors of such a school shall have power to do anything which appears to it to be necessary or expedient for the purpose of or in connection with the management and control of the school, including in particular power to assume the management and control, as from the incorporation date in relation to the school, of the school as constituted immediately before that date, to manage and control the school as a school of the same category (that is to say primary, grammar or secondary, other than grammar) as the school immediately before it became a grant-maintained integrated school, and for those purposes to receive any property, rights and liabilities transferred to it under Article 75.

(3) The power of the Board of Governors under section 19(1)(a)(iv) of the Interpretation Act (Northern Ireland) 1954—

- (a) does not include power to grant any mortgage, charge or other security in respect of any land; and
- (b) in so far as it relates to the disposal of land, may only be exercised with the written consent of the Department.

(4) The Board of Governors of a grant-maintained integrated school shall have power to pay its members such travelling, subsistence and other allowances as may be determined by the Board of Governors and approved by the Department.

(5) The application of the seal of the Board of Governors of a grant-maintained integrated school shall be authenticated by the signature of the chairman of the Board of Governors or of some other member authorised either generally or specially by the Board of Governors to act for that purpose together with that of any other member.

*Procedure for acquisition of grant-maintained integrated status***Schools eligible for grant-maintained integrated status**

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

(2) The following are not eligible for grant-maintained integrated status, namely—

- (a) a nursery school;
- (b) a special school;

(1) 1965 c. 19 (N.I.)

(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 grant-maintained 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 grant-maintained 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 grant-maintained integrated status by existing school

69.—(1) Subject to paragraph (5), in the case of any controlled or voluntary school which is eligible for grant-maintained integrated status, a ballot of parents on the question of whether grant-maintained integrated status should be sought for the school shall be held in accordance with Article 70 if either—

- (a) the Board of Governors decides by a resolution passed at a meeting of that Board (“the first resolution”) to hold such a ballot and confirms that decision by a resolution (“the second resolution”) passed at a subsequent meeting of the Board of Governors held not less than fourteen nor more than twenty-eight days after that at which the first resolution was passed; or
- (b) the Board of Governors receives a written request to hold such a ballot which meets the requirements of paragraph (2).

(2) Those requirements are that the request must be signed, or otherwise endorsed in such manner as the Department may approve, by a number of parents of registered pupils at the school equal to at least twenty per cent. of the number of registered pupils at the school on the date on which the request is received.

(3) Immediately following the passing of the first resolution the Board of Governors shall give notice in writing to—

- (a) the relevant board;
 - (b) if the school is a voluntary school, the trustees of the school;
 - (c) if the school is a Catholic maintained school, the Council for Catholic Maintained Schools,
- of its decision to hold a ballot.

(4) Subject to paragraph (5), on the passing of the second resolution required for the purposes of paragraph (1)(a) or (as the case may be) on receipt of any such request as is mentioned in paragraph (1)(b) it shall be the duty of the Board of Governors—

- (a) to secure that a ballot is held in accordance with Article 70 not earlier than twenty-eight days and not later than two months or such longer period as the Department may approve after the date on which the second resolution was passed or the request was received; and
- (b) to give notice in writing that such a ballot is to be held to the bodies to which notice is required to be given under paragraph (3).

(5) Paragraphs (1) and (4) shall not apply if in the case of the school in question a ballot has been held in accordance with Article 70 earlier in the same school year as that in which the second resolution is passed or (as the case may be) the request is received, unless the Department gives consent in writing for a new ballot to be held.

(6) A request such as is mentioned in paragraph (1)(b) shall be taken as having been received by a Board of Governors if given or sent to the chairman or secretary of the Board.

(7) Subject to paragraph (8), it shall be the duty of the Board of Governors of any controlled or voluntary school which is eligible for grant-maintained integrated status, at the request of any parent

of a registered pupil at the school, to make available to the parent for inspection (at all reasonable times and free of charge) at the school, and to supply the parent with a copy of, a list containing the name and address of every person who is known to the Board of Governors to be such a parent if the request is made—

- (a) in connection with any proposal that a ballot should be held in accordance with Article 70; or
- (b) where the Board of Governors is under a duty by virtue of this Article or Article 70(8) to secure that such a ballot is held, in connection with the holding of the ballot.

(8) A Board of Governors shall not disclose to a parent under paragraph (7) the name and address of any person unless that person has consented in writing to the disclosure of that information; and accordingly the name and address of any person who has not so consented shall be excluded from the list mentioned in that paragraph.

(9) A Board of Governors which in pursuance of paragraph (7) supplies copies of the list there mentioned may charge such fee as it thinks fit (not exceeding the cost of supply) in respect of each copy so supplied.

(10) For the purposes of this Article, it shall be for the Board of Governors to determine any question whether a person is a parent of a registered pupil at the school.

Ballot of parents

70.—(1) Where the Board of Governors of any school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article, it shall secure that all necessary arrangements for the ballot are made by such body as may be prescribed (“the prescribed body”).

(2) The arrangements shall provide for a secret postal ballot.

(3) It shall be the duty of the Board of Governors to secure that the prescribed body takes such steps as are reasonably practicable to secure that every person who is eligible to vote in the ballot is—

- (a) given such information about the procedure for and consequences of acquisition of grant-maintained integrated status for a school as may reasonably be expected to enable him to form a proper judgment as to whether or not such status should be sought for the school, including, in particular, the information mentioned in paragraph (4);
- (b) informed that he is entitled to vote in the ballot; and
- (c) given an opportunity to do so.

(4) The information referred to in paragraph (3)(a) is—

- (a) a general explanation of the provisions of this Part relating to—
 - (i) the procedure for acquisition of grant-maintained integrated status for a school;
 - (ii) the constitution and powers of the Board of Governors of such a school; and
 - (iii) the conduct and funding of such a school;
- (b) the date that will be included in any proposal for acquisition of grant-maintained integrated status submitted in respect of the school under Article 71(1) if the result of the ballot is in favour of seeking grant-maintained integrated status as the proposed date of implementation of the proposal;
- (c) such other information as the Department may direct.

(5) Where the Board of Governors of any school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article, it shall make available to every person employed to work at the school for inspection (at all reasonable times and free of charge) at the school a document containing the information required by paragraphs (3)(a) and (4) to be given to persons eligible to vote in the ballot.

(6) In determining the arrangements it requires to be made by the prescribed body for the purposes of the ballot the Board of Governors shall take into account any guidance given by the Department as to the arrangements it considers appropriate for ballots held in accordance with this Article.

(7) The Department shall publish any guidance given by it for the purposes of this Article in such manner as it thinks fit.

(8) Where in the case of any ballot held in respect of a school in accordance with this Article other than one held by virtue of this paragraph (“the first ballot”) the total number of votes cast in the ballot (disregarding spoiled votes) by persons eligible to vote in the ballot is less than fifty per cent. of the number of persons so eligible, it shall be the duty of the Board of Governors to secure that another ballot (“the second ballot”) is held before the end of the period of fourteen days beginning with the day on which the total number of votes cast in the first ballot is determined.

(9) In any case to which paragraph (8) applies—

- (a) the first ballot shall be disregarded for the purposes of Article 71(1); and
- (b) subject to paragraph (10), the provisions of this Article shall apply as they apply in a case where the Board of Governors of a school is under a duty by virtue of Article 69 to secure that a ballot is held in accordance with this Article.

(10) In any such case—

- (a) those provisions shall apply with the omission of paragraphs (3)(a) and (4); and
- (b) paragraph (5) shall be read as if the information there referred to were the information given for the purposes of the first ballot.

(11) If it appears to the Department—

- (a) that any requirements of this Article have been contravened in the case of any ballot held in purported compliance with this Article;
- (b) that the arrangements for any ballot so held did not accord with any guidance given by it for the purposes of this Article; or
- (c) that the Board of Governors of any school has acted unreasonably in the discharge of its duties under this Article,

it may by notice in writing given to the Board of Governors declare the ballot void and require that a fresh ballot be held in accordance with this Article before such date as it may specify in the notice.

(12) Where a ballot is held in respect of a school in accordance with this Article, the Department may pay, or reimburse the Board of Governors of the school in respect of, the whole or any part of the expenses incurred by the Board of Governors in respect of the ballot.

(13) The making of any payments under paragraph (12) shall be subject to such conditions as the Department thinks fit.

(14) For the purposes of this Article, a person is eligible to vote in any ballot held in respect of a school in accordance with this Article if he is—

- (a) known to the Board of Governors to be a parent of a registered pupil at the school; and
- (b) named as a parent of such a pupil in the register kept in accordance with Article 48 of the principal Order in the case of the school, as that register has effect on the date immediately following the end of the period of fourteen days beginning with the date on which the relevant resolution or request was passed or received by the Board of Governors.

(15) For the purposes of sub-paragraph (a) of paragraph (14) it shall be for the Board of Governors to determine any question whether a person is a parent of a registered pupil at the school; and in sub-paragraph (b) of that paragraph the reference to the relevant resolution or request is a reference to the resolution or request (mentioned in Article 69(4)) by reference to which the ballot is required to

be held or, where the ballot is a second ballot under paragraph (8), by reference to which the first ballot was required to be held.

Proposals for acquisition of grant-maintained integrated status

71.—(1) Where in the case of any controlled or voluntary school which is eligible for grant-maintained integrated status the result of a ballot held in accordance with Article 70 shows a simple majority of votes cast in the ballot by persons eligible to vote in the ballot (within the meaning of that Article) in favour of seeking grant-maintained integrated status for the school, it shall be the duty of the Board of Governors of the school to submit a proposal for the acquisition of grant-maintained integrated status for the school to the relevant board.

(2) Where—

- (a) a person proposes to establish a new grant-maintained integrated school; or
- (b) the proprietor of an independent school proposes to seek grant-maintained integrated status for the school,

he shall submit the proposal to the relevant board.

(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 relevant board within such time as may be so required.

(4) A board shall forthwith submit to the Department any proposal submitted to it under paragraph (1) or (2) together with its views thereon.

(5) A proposal submitted to a board under paragraph (1) or (2) may not be withdrawn except with the consent of the Department and subject to such conditions as it may impose (which may, in particular, require a further proposal to be submitted under this Article within such period as it may specify).

(6) A board, after submitting a proposal to the Department under paragraph (4), 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.

(7) Subject to paragraphs (8), (9) and (10), the Department, after considering any objections to a proposal made to it within the time specified in the notice under paragraph (6)(a)(iv), may, after making such modification, if any, in the proposal as, after consultation with the Board of Governors or person making the proposal, it considers necessary or expedient, approve the proposal and inform that Board of Governors or person accordingly.

(8) 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 grant-maintained integrated school, the school would be likely to be attended by reasonable numbers of both Protestant and Roman Catholic pupils.

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

(10) The approval of the Department to a proposal made under paragraph (2) may be granted subject to such conditions as the Department may think fit.

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

(12) If a proposal under paragraph (1) or (2)(b) in respect of any school is approved by the Department, Schedule 6 shall have effect in relation to the transition of the school to grant-maintained integrated status.

(13) If a proposal under paragraph (2)(a) is approved by the Department, the Department may by order made at any time on or after the date on which it approves the proposal and before the incorporation date in relation to the school make such provision as it considers appropriate in connection with the establishment of the school as a grant-maintained integrated school and the constitution of a Board of Governors for the school in accordance with Schedule 5.

Incorporation of Board of Governors

72. If a proposal under paragraph (1) or (2) of Article 71 in respect of any school is approved by the Department, the Board of Governors of the school constituted in accordance with Schedule 5 shall on the proposed date of implementation of the proposal become a body corporate.

Effect of pending procedure for acquisition of grant-maintained integrated status

73.—(1) This Article applies to a controlled or voluntary school during any period when the procedure under this Chapter for acquisition of grant-maintained 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 grant-maintained integrated status for the school;
- (ii) a proposal for acquisition of such status for the school which is required to be submitted under Article 71 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) a Board of Governors is incorporated for the school under Article 72.

(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 grant-maintained integrated status for any school which is required to be submitted under Article 71 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 (5) or (11) of Article 71 on withdrawal or (as the case may be) rejection of—

- (a) the original proposal; or
- (b) any further proposal required to be submitted under either of those paragraphs 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 (11) of that Article or as withdrawn in any case where it imposes a requirement under paragraph (5) 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) (as applied by Article 91);
- (b) no request shall be made to the Board of Governors under Article 69(1)(b) (as so applied).

Proposals for alteration, etc. of schools eligible for grant-maintained integrated status

Proposals for alteration, etc. of schools eligible for grant-maintained integrated status

74.—(1) Before formulating in respect of any controlled school which is eligible for grant-maintained 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) No proposal shall be submitted under Article 14 of the principal Order in respect of any school in respect of which a proposal for acquisition of grant-maintained integrated status has been approved.

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

- (a) after a proposal for acquisition of grant-maintained integrated status has been first submitted to the Department under Article 71 in respect of any school which is eligible for grant-maintained 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 grant-maintained integrated status for the school is first submitted to the Department under Article 71.

(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 grant-maintained 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 grant-maintained integrated school before that proposal has been implemented,

that proposal shall be treated for the purposes of this Part as if it had been published and approved under Article 79.

Transfer of property and staff

Transfer of property, etc. to Board of Governors of grant-maintained integrated school

75.—(1) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a controlled school—

- (a) all land or other property which, immediately before that date, was property used or held by the relevant board or the Department for the purposes of the school;
- (b) all rights and liabilities subsisting immediately before that date which were acquired or incurred by that board or the Department for those purposes; and
- (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 Board of Governors of the grant-maintained integrated school.

(2) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained 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; and
- (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 Board of Governors of the grant-maintained integrated school.

(3) Subject to the following provisions of this Article, on the incorporation date in relation to a grant-maintained integrated school which immediately before that date was an independent school—

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

shall be transferred to, and by virtue of this Order vest in, the Board of Governors of the grant-maintained integrated school.

(4) Paragraphs (1) to (3) shall not apply to rights and liabilities under any contract of employment.

(5) If before the incorporation date in relation to a school mentioned in paragraph (2) or paragraph (3) the Department so directs—

- (a) sub-paragraph (a) of that paragraph shall not apply to land held by the trustees of the school as mentioned in that sub-paragraph; and
- (b) sub-paragraph (b) of that paragraph shall not apply to rights and liabilities acquired or incurred in relation to or in connection with that land;

and in deciding whether or not to give a direction under this paragraph the Department shall consult the trustees of the school.

(6) Any land or other property transferred to the Board of Governors of a grant-maintained integrated school under this Article which immediately before the incorporation date was held on trust shall vest in that Board of Governors as trustees 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.

(7) 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 incorporation date and transferred under paragraph (2) 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 the land or other property so transferred and for the calculation of any such reduction.

(8) On the incorporation date in relation to a grant-maintained integrated school which immediately before that date was a controlled school, the duty of the relevant board to maintain and manage the school shall be extinguished and the school shall accordingly cease to be a controlled school for the purposes of the Education Orders.

(9) On the incorporation date in relation to a grant-maintained 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.

(10) On the incorporation date in relation to a grant-maintained integrated school which immediately before that date was an independent school, the school shall cease to be an independent school for the purposes of the Education Orders.

(11) For the purposes of this Article any interest in a dwelling house or other residence which, immediately before the incorporation date in relation to a grant-maintained 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.

(12) In this Article “the former Board of Governors” means, in relation to a grant-maintained integrated school, the Board of Governors of the school immediately before the incorporation date in relation to the school.

Transfer of staff to grant-maintained integrated school

76.—(1) Subject to paragraph (3), this Article applies to any person who—

- (a) immediately before the incorporation date in relation to a grant-maintained integrated school which is then a voluntary school is employed by the Board of Governors of the school; or
- (b) immediately before the incorporation date in relation to a grant-maintained integrated school—
 - (i) is employed by the relevant board or the Council for Catholic Maintained Schools to work solely at the school; or
 - (ii) is employed by that board to work at the school and is designated for the purposes of this Article by an order made by the Department.

(2) A person employed by a board in connection with the provision of meals shall not be regarded for the purposes of paragraph (1)(b) as employed to work solely at a school unless the meals are provided solely for consumption by persons at the school.

(3) 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 incorporation date;
- (b) any person employed as mentioned in paragraph (1)(b) who before that date has been—
 - (i) appointed or assigned by the relevant board or 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.

(4) A person who before the incorporation date has been appointed or assigned by the relevant board or 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 that body 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 that body.

(5) 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 incorporation date; and
- (b) in relation to a person to whom this Article applies by virtue of paragraph (1)(b), to the relevant board or the Council for Catholic Maintained Schools (as the case may be).

(6) The contract of employment between a person to whom this Article applies and the former employer shall have effect from the incorporation date as if originally made between him and the Board of Governors of the grant-maintained integrated school.

(7) Without prejudice to paragraph (6)—

- (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 Board of Governors of the grant-maintained integrated school on the incorporation date; 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 of Governors.

(8) Paragraphs (6) and (7) 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.

(9) An order under this Article may designate a person either individually or as a member of a class or description of employees.

Financing of grant-maintained integrated schools

Maintenance grants and capital grants

77.—(1) The payments the Department is required to make in pursuance of its duty to maintain a grant-maintained integrated school are grants to the Board of Governors of the school in respect of expenditure other than expenditure of a capital nature incurred or to be incurred in carrying on the school by the Board of Governors in the financial year to which any such grant relates (to be known as maintenance grants).

(2) The amount of the maintenance grant to be paid under this Article to the Board of Governors of each individual grant-maintained integrated school in any financial year shall—

- (a) in so far as it derives from the aggregated grant-maintained integrated schools budget of the Department for that year, be determined by the Department (and from time to time revised) by the application of a formula determined by the Department for the purpose of dividing that budget among all grant-maintained integrated schools;
- (b) in so far as it derives from excluded heads or items of expenditure of the Department in that year, be such as the Department may determine.

(3) In paragraph (2) the reference to the aggregated grant-maintained integrated schools budget of the Department for a financial year is a reference to the amount remaining after deducting from the amount appropriated by the Department for meeting expenditure in that year in respect of maintenance grants under this Article to all grant-maintained integrated schools (“the general grant-maintained integrated schools budget of the Department”) the amount of any expenditure of the Department in that year on such heads or items of expenditure as the Department may specify for the purposes of this Article (“excluded heads or items of expenditure”).

(4) Before determining the formula to be applied under paragraph (2)(a) in relation to a financial year, the Department shall consult the Board of Governors of every grant-maintained integrated school and any other person or body appearing to the Department to be concerned.

(5) In determining the formula to be applied under paragraph (2)(a) in relation to a financial year the Department shall have regard to the allocation formulae for the time being included in schemes in accordance with Article 49.

(6) Where—

- (a) a new grant-maintained integrated school is established; or
- (b) a school acquires grant-maintained integrated status,

paragraph (2) shall not apply in relation to the school until such date as the Department may direct; and until that date the amount of the maintenance grant to be paid under paragraph (1) to the Board of Governors of the school shall be such as the Department may determine.

(7) Until the coming into operation of paragraphs (2) to (6), the amount of the maintenance grant to be paid under paragraph (1) to the Board of Governors of each individual grant-maintained integrated school shall be such as the Department may determine.

(8) Regulations may provide for the payment by the Department to the trustees or Board of Governors of a grant-maintained integrated school of grants (to be known as “capital grants”) in

respect of approved expenditure of a capital nature incurred or to be incurred for the purposes of the school of any class or description specified in the regulations.

(9) The amount of any capital grant shall be equal to 100 per cent. of the expenditure in respect of which it is paid.

(10) The descriptions of expenditure which are to be regarded for the purposes of this Article as expenditure of a capital nature shall be such as may be determined by or in accordance with regulations.

(11) Maintenance and capital grants shall be made on such conditions (including conditions requiring repayment of all or part of the grant in specified circumstances) as the Department may determine.

(12) In this Article “formula” includes methods, principles and rules of any description, however expressed.

(13) The Department may by order substitute for references in this Article and Article 78 to a financial year references to such other period as may be specified in the order.

Financial statements

78.—(1) Before the beginning of each financial year the Department shall prepare a statement of the financial provision it plans to make in that period for grant-maintained integrated schools.

(2) A statement under paragraph (1) in relation to a financial year shall contain the following particulars—

- (a) the amount of the general grant-maintained integrated schools budget of the Department for that year;
- (b) the amount of the aggregated grant-maintained integrated schools budget of the Department for that year;
- (c) such particulars as the Department may determine of amounts deducted in respect of excluded heads or items of expenditure in arriving at the amount specified in the statement by virtue of sub-paragraph (b);
- (d) such particulars of the formula to be applied in accordance with Article 77(2)(a) as the Department may determine;
- (e) in the case of each individual grant-maintained integrated school, the planned expenditure per pupil arising from the division of the amount of grant payable to the school from the aggregated grant-maintained integrated schools budget of the Department in that year by the number of registered pupils at the school used in applying the formula to determine that amount;
- (f) such further information as the Department may determine with respect to the financial provision the Department plans to make in that year for grant-maintained integrated schools.

(3) After the end of each financial year the Department shall prepare a statement of—

- (a) the total amount of all maintenance grants actually made under Article 77 in that year;
- (b) the amount of the maintenance grants actually made under Article 77 in that year to each grant-maintained integrated school.

(4) A statement prepared under this Article shall be prepared in such form, and published in such manner and at such times, as the Department may determine.

(5) The Department shall furnish the Board of Governors of each grant-maintained integrated school with a copy of each statement prepared by it under this Article.

(6) The Board of Governors of each such school shall secure that a copy of any such statement furnished to it under this Article is available for inspection (at all reasonable times and free of charge) at the school.

(7) In this Article expressions to which a meaning is given by Article 77 have the same meanings as in that Article.

Making of significant change to grant-maintained integrated schools

Significant changes to grant-maintained integrated schools

79.—(1) Subject to paragraph (2), where the Board of Governors of a grant-maintained integrated school proposes—

- (a) to make a significant change in the character or size of the school; or
- (b) to make any other change which would have a significant effect on another grant-aided school,

it shall submit the proposal to the board for the area in which the school is situated and that board shall submit the proposal to the Department together with its views thereon.

(2) Paragraphs (4) to (7), (9), (9A), (9B) and (10) of Article 14 of the principal Order shall apply in relation to a proposal under paragraph (1) as they apply in relation to a proposal under paragraph (2) of that Article; but the Department shall not approve any proposal under Article 14(7) of the principal Order as so applied 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.

Discontinuance of grant-maintained integrated schools

Discontinuance by Board of Governors

80.—(1) The Board of Governors of a grant-maintained integrated school shall not discontinue the school except in accordance with this Article.

(2) Where the Board of Governors of such a school—

- (a) decides by a resolution passed at a meeting of that body to discontinue the school; and
- (b) confirms that decision by a resolution passed at a subsequent meeting of that body held not less than twenty-eight days after that at which the first resolution was passed;

it shall, subject to paragraphs (3) and (4), give at least two years' notice of its intention to discontinue the school to the Department and to the board for the area in which the school is situated.

(3) No notice given under paragraph (2) without the prior approval of the Department shall be effective if the school premises were built or altered with the aid of a grant from the Department or financial assistance by a board or, before 1st October 1973, by a former local education authority.

(4) The requirement to give notice under paragraph (2) shall not apply where the Department and the board for the area in which the school is situated agree to dispense with that notice.

(5) If, during the period of a notice given under paragraph (2) in respect of a school, the Board of Governors of the school informs the Department that it is unable or unwilling to carry on the school until the expiration of the notice, the Department may give such directions as to the carrying on of the school and as to the education of the children attending the school as it thinks expedient.

(6) Where—

- (a) the period of a notice given under paragraph (2) has expired; or

(b) the requirement to give that notice has been dispensed with under paragraph (4), the Board of Governors may submit a proposal to discontinue the school to the board for the area in which the school is situated and that board shall submit the proposal to the Department together with its views thereon.

(7) Paragraphs (4) to (7), (9), (9A), (9B) and (10) of Article 14 of the principal Order shall apply in relation to a proposal under paragraph (6) as they apply in relation to a proposal under paragraph (2) of that Article.

Withdrawal of grant by Department

81.—(1) The Department may cease to maintain a grant-maintained integrated school by giving notice of its intention to do so to the Board of Governors of the school under this Article; and on the date specified in any such notice as the date on which the Department intends to cease to maintain the school the Department's duty to maintain the school shall cease.

(2) Subject to the following provisions of this Article—

- (a) a notice under this Article may not specify as the date on which the Department intends to cease to maintain such a school a date falling less than two years after the date of the notice; and
- (b) before giving such a notice the Department shall consult—
 - (i) the Board of Governors of the school;
 - (ii) the board for the area in which the school is situated; and
 - (iii) the Council for Catholic Maintained Schools.

(3) Paragraph (2) shall not apply where the Department is satisfied, in the case of any grant-maintained integrated school, that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school on all or any of the following grounds—

- (a) that the number of registered pupils at the school is too small for sufficient and suitable instruction to be provided for them at reasonable cost;
- (b) that the Board of Governors has failed for a significant period of time to carry out its duties under Part III;
- (c) that the Board of Governors has been guilty of substantial or persistent failure to comply or secure compliance with any other requirement imposed by or under this Order or any other statutory provision;
- (d) that the school is not attended by reasonable numbers of both Protestant and Roman Catholic pupils.

(4) In any case within paragraph (3), the Department may give to the Board of Governors of the school a notice stating the grounds on which it considers that the school as currently constituted or conducted is unsuitable to continue as a grant-maintained integrated school together with full particulars of the matters relevant to each such ground.

(5) Where any of the matters of which particulars are given in a notice under paragraph (4) are stated in the notice to be in the opinion of the Department irremediable, the notice shall also state that the Department intends to cease to maintain the school on a date specified in the notice.

(6) Where paragraph (5) does not apply in the case of any notice under paragraph (4), the notice shall—

- (a) state that the Department intends to cease to maintain the school unless the matters of which particulars are given in the notice are remedied;
- (b) specify the measures necessary in the opinion of the Department to remedy those matters; and

- (c) specify the time, not being less than three months after the date of the notice, within which the Board of Governors is required to take those measures.
- (7) Where the Board of Governors of a grant-maintained integrated school fails to take the measures required by a notice under paragraph (4) within the time specified in the notice or allowed by any previous notice under this paragraph, the Department shall within the period of two months beginning with the date next following the end of that time either—
 - (a) give notice to the Board of Governors extending the time within which those measures are required to be taken; or
 - (b) after consulting the board for the area in which the school is situated, give notice that it intends to cease to maintain the school on a date specified in the notice.
- (8) The Department may by notice given to the Board of Governors—
 - (a) withdraw any notice under paragraph (1), (4) or (7)(b); or
 - (b) vary—
 - (i) any notice under paragraph (1) or (7)(b); or
 - (ii) any notice under paragraph (4) to which paragraph (5) applies, by substituting a later date for the date for the time being specified in the notice as the date on which it intends to cease to maintain the school; or
 - (c) vary any notice under paragraph (4) to which paragraph (6) applies, so far as relates to the measures required by the notice to remedy the matters of which particulars are given in the notice.
- (9) If by virtue of paragraph (8)(c) the Department varies any notice under paragraph (4) so as to require different measures to be taken it shall also substitute for the time specified in the notice as the time within which the Board of Governors is required to take the measures specified in the notice as varied a time ending—
 - (a) not less than three months after the date of the notice of variation; and
 - (b) where the time so specified has been extended under paragraph (7), not earlier than that time as so extended.
- (10) Any variation under paragraph (9) of the time specified in a notice under paragraph (4) is without prejudice to any further extension of that time under paragraph (7).
- (11) Any notice under this Article shall be in writing; and references in this Article to the date of any such notice given to a Board of Governors under this Article are references to the date on which it is given to the Board of Governors.

Winding up and disposal of property

Winding up

- 82.—**(1) Where, in the case of any grant-maintained integrated school, the Department has—
- (a) approved a proposal for discontinuance of the school made under Article 80; or
 - (b) given notice to the Board of Governors of the school under Article 81 specifying a date on which it intends to cease to maintain the school;
- the Department may by order make provision for the winding up of the Board of Governors of the school and the disposal of the school property.
- (2) An order under this Article may—
- (a) set out a timetable for the winding up;

- (b) make provision with respect to the exercise of the functions of the Board of Governors in relation to the school, including in particular—
 - (i) provision requiring the Board of Governors in the exercise of those functions to comply with any directions given by the Department;
 - (ii) provision authorising any of those functions to be exercised by any member of the Board of Governors specified in the order; and
 - (iii) provision for the application of the seal of the Board of Governors to be authenticated by the signature of any person so specified;
 - (c) make provision for conferring or imposing functions on the Board of Governors in relation to the winding up and the management and disposal of the school property;
 - (d) make any provision authorised by Article 83 for or in connection with the transfer of the school property;
 - (e) make provision with respect to the discharge of the liabilities of the Board of Governors and the payment of the costs of the winding up;
 - (f) require the Board of Governors to give to persons employed by it notice terminating their contracts of employment as from a date specified in the order; and
 - (g) appoint a date on which the Board of Governors is to be dissolved.
- (3) Below in this Part—
- (a) references to a Board of Governors in liquidation are references to a Board of Governors in respect of which an order has been made under this Article; and
 - (b) references, in relation to any such Board of Governors or the grant-maintained integrated school under, or formerly under, the management of any such body, to the dissolution date are references to the date appointed in relation to that Board of Governors by virtue of paragraph (2)(g).
- (4) The Department may make grants to a Board of Governors in liquidation for the purpose of—
- (a) discharging any liabilities of that Board of Governors;
 - (b) meeting any costs incurred by that Board of Governors for the purposes of the winding up under this Article.
- (5) The Department may impose on a Board of Governors to which any such payment is made such requirements as it may from time to time determine (whether before, at or after the time when the payment in question is made).
- (6) The Department shall not by an order under this Article appoint a date on which a Board of Governors in liquidation is to be dissolved unless it is satisfied that—
- (a) all liabilities of the Board of Governors (other than any liabilities which fall to be transferred under Article 83(6)) have been discharged;
 - (b) all costs of the winding up have been met; and
 - (c) any provision authorised by Article 83 or 84 which is possible and expedient in the circumstances of the case has been made and anything required to be done by the Board of Governors for the purposes of or in connection with any such provision has been done.
- (7) In this Part—
- (a) references, in relation to a grant-maintained integrated school under, or formerly under, the management of a Board of Governors in liquidation, to the school property are references to—
 - (i) the premises used or formerly used for the purposes of the school;

- (ii) any interest belonging to the Board of Governors or held by any trustees on trust for the purposes of the school in any dwelling house or other residence used or held or formerly used or held for occupation by a person employed to work at the school; and
 - (iii) all other equipment and property used or held or formerly used or held for the purposes of the school;
- (b) references to a grant-maintained integrated school formerly under the management of a Board of Governors in liquidation apply in circumstances where the school has been discontinued before the dissolution date and refer to the school as managed immediately before discontinuance (and “formerly” in heads (i) to (iii) of sub-paragraph (a) applies in the same circumstances and refers to the time immediately before the discontinuance of the school concerned).

Transfer of school property

83.—(1) Where a proposal under Article 14 of the principal Order that a new school be established on the premises of a grant-maintained integrated school under the management of a Board of Governors in liquidation has been approved by the Department, then—

- (a) if the new school is to be a controlled school, an order under Article 82 may vest the school property, or any part of it, in the board which is to manage the school;
- (b) if the new school is to be a voluntary school, an order under Article 82 may vest the school property, or any part of it, in persons specified in the order to be held on trust for the purposes of the new voluntary school.

(2) Where a person proposes to establish a new independent school on the premises of a grant-maintained integrated school under the management of a Board of Governors in liquidation, an order under Article 82 may vest the school property, or any part of it, in that person.

(3) The vesting in any board or person under paragraph (1) or (2) of—

- (a) any of the school property of a grant-maintained integrated school which was a controlled school immediately before it became a grant-maintained integrated school; or
- (b) land in respect of which a direction was given under Article 75(5);

shall be subject to the payment by that board or person of such an amount as the Department determines to be a fair consideration for the transfer of the property.

(4) In a case within paragraph (3)(a) the consideration is payable to the board by which the controlled school mentioned in that sub-paragraph was managed and in a case within paragraph (3)(b) the consideration is payable to the trustees from whom the land mentioned in that sub-paragraph is transferred.

(5) Where school property is held on trust for the purposes of a grant-maintained integrated school, an order made under Article 82 by virtue of paragraph (1) or (2) may vest the property in a board or person beneficially or on such trusts as appear to the Department to be appropriate.

(6) Where an order is made under Article 82 by virtue of paragraph (1) or (2) that order may provide for the transfer to the board or person to which or to whom any school property is transferred of such of the liabilities of the Board of Governors in liquidation as may be specified in the order.

Vesting of surplus assets

84.—(1) Subject to paragraph (2), all school property of a grant-maintained integrated school under, or formerly under, the management of a Board of Governors in liquidation which has not been transferred under an order made under Article 82 shall, by virtue of this paragraph, be transferred to and vest in the Department on the dissolution date.

(2) Where the Department is satisfied as to the whole or any part of any such school property that it ought to be transferred to a board or any other person, the Department may by order made before the dissolution date vest that property in that board or person on the dissolution date, either beneficially or to be held on such trusts as the Department may specify.

(3) Without prejudice to the power of the Department under paragraph (2), any transfer of property under this Article shall be free of any trusts on which property is held before the transfer.

(4) Where land in respect of which a direction was given under Article 75(5) is vested in the Department, a board or any other person under this Article, there shall be payable by the Department, that board or that person (as the case may be) to the trustees from whom the land in question was transferred such an amount as the Department determines to be a fair consideration for the transfer of the property.

(5) Where—

- (a) any school premises are vested under paragraph (2) in a board; and
- (b) any person subsequently acquires those premises or any part of them from that board (whether compulsorily or otherwise),

the Department may require the board to pay to it the whole or any part of the consideration or purchase money paid in respect of the acquisition to meet, or contribute towards, the amount of grants paid by the Department under Article 82(4) to the Board of Governors of the school.

Miscellaneous and supplementary

Provision of benefits and services for pupils by boards

85. Where—

- (a) a board is under a duty, or has power, to provide any benefits or services for pupils; and
- (b) the duty is to be performed, or the power may be exercised, both in relation to pupils at grant-maintained integrated schools and in relation to pupils at other grant-aided schools,

the board shall in performing the duty, or exercising the power, treat pupils at grant-maintained integrated schools no less favourably (whether as to the benefits or services provided or as to the terms on which they are provided) than pupils at other grant-aided schools.

Variation of instrument of government relating to grant-maintained integrated school

86.—(1) The Department may by order make such modifications of any instrument of government relating to any school as, after consultation with the Board of Governors of the school and the trustees (if any), appear to be requisite—

- (a) in consequence of the approval of a proposal for acquisition of grant-maintained integrated status for the school; or
- (b) for removing any inconsistency between the provisions of that instrument and any provisions included or proposed to be included in the scheme of management for the school which it appears to the Department to be expedient to remove in the interests of the school.

(2) Any modification made by an order under this Article may be made to have permanent effect or to have effect for such period as may be specified in the order.

(3) Any provision of any instrument relating to any land held for the purposes of any voluntary school which—

- (a) confers on any person an option to acquire an interest in that land; or
- (b) provides (in whatever terms) for the determination or forfeiture of any such interest,

in the event of the school's ceasing to be a voluntary school shall, if the school becomes a grant-maintained integrated school, have effect as if the event referred to were the school's ceasing to be a school which is either a grant-maintained integrated school or a voluntary school.

Interpretation (grant-maintained integrated schools)

87.—(1) In this Chapter—

- (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 grant-maintained integrated status is required to be submitted under Article 71(1), to the date specified in accordance with Article 70(4)(b) 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); and
 - (ii) in relation to any school in respect of which such a proposal has been submitted under Article 71(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.

(2) In relation to any proposal for acquisition of grant-maintained integrated status required to be submitted under Article 71(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 (5) or (11) of that Article, to the last ballot held in accordance with Article 70 in relation to the school before that requirement was imposed.

(3) In this Part—

“incorporation date” means, in relation to a grant-maintained integrated school, the date on which the Board of Governors of the school is incorporated under Article 72;

“relevant board” means—

- (a) in relation to a controlled school, the board responsible for the management of the school;
- (b) in relation to a maintained school, the board by which the school is maintained;
- (c) in relation to any other voluntary school or an independent school, the board for the area in which the school is situated;
- (d) in relation to a proposal to establish a new grant-maintained integrated school, the board for the area in which the school is proposed to be.

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.