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STATUTORY INSTRUMENTS

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**1989 No. 2406**

**The Education Reform(Northern Ireland) Order 1989**

**PART X**

**MISCELLANEOUS AND SUPPLEMENTARY**

*Miscellaneous*

**Procedures for carrying out by certain bodies of their activities**

**150.**—(1) Each board shall, at such intervals and in accordance with such arrangements as may be determined by the Department after consultation with the boards, review its procedures for the carrying out of such activities as the Department may direct with a view to ensuring that such activities are carried out as effectively, efficiently and economically as practicable.

(2) The Department may direct that paragraph (1) shall apply to any of the bodies or persons listed in Article 101(3)(b) to (h) of the principal Order as it applies to a board but with the substitution for the reference to consultation with the boards of a reference to consultation with the bodies or persons concerned.

(3) The Department may by regulations provide, in relation to any prescribed activity of a board,

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- (a) that a board shall before carrying out that activity comply with such conditions as may be prescribed including, without prejudice to the generality of this sub-paragraph, such conditions as appear to the Department to be necessary or desirable to secure that the board—
    - (i) invites tenders from other persons for the carrying out by them of the prescribed activity; and
    - (ii) takes any such tenders received by the board into consideration in deciding whether to carry out the prescribed activity itself;
  - (b) that a board shall during or after the carrying out by it of that activity, comply with such conditions as may be prescribed, including, without prejudice to the generality of this sub-paragraph—
    - (i) conditions as to the keeping of accounts, the making of reports and the supplying of information in relation to the carrying out of that activity;
    - (ii) conditions imposing financial objectives on the board in relation to the carrying out of that activity.
- (4) Regulations under paragraph (3)—
- (a) may authorise a board to make charges for the provision of prescribed documents;
  - (b) may prescribe the sanctions which may be applied by the Department in respect of a board which fails to comply with the regulations or with any condition imposed on it under the regulations.

(5) References in this Article to the carrying out of activities include references to the provision of services.

### **Review of performance of teachers**

**151.**—(1) The Department may by regulations make provision requiring employing authorities to secure that the performance of teachers to whom the regulations apply—

- (a) in discharging their duties; and
- (b) in engaging in other activities connected with the establishments at which they are employed,

is regularly reviewed in accordance with such requirements as may be prescribed.

(2) The regulations may, in particular, make provision—

- (a) requiring the Boards of Governors of controlled schools and Catholic maintained schools and the governing bodies of institutions of further education—
  - (i) to secure that any arrangements made in accordance with the regulations are complied with in relation to their establishments;
  - (ii) to provide such assistance to the employing authority as that authority may reasonably require in connection with its obligations under the regulations;
- (b) with respect to the disclosure to teachers of the results of reviews and the provision of opportunities for them to make representations with respect to those results; and
- (c) requiring employing authorities to have regard to the results of reviews in the exercise of such of their functions as may be prescribed.

(3) The regulations may be expressed to apply to any of the following categories of teacher, that is to say—

- (a) teachers employed in grant-aided schools;
- (b) teachers employed in institutions of further education;
- (c) supply teachers;
- (d) peripatetic teachers.

(4) Before making any regulations under paragraph (1), the Department shall consult—

- (a) such representatives of employing authorities and such representatives of teachers as appear to it to be concerned; and
- (b) any other person with whom consultation appears to it to be desirable.

(5) In this Article “employing authority” means—

- (a) in relation to teachers employed in controlled schools and institutions of further education, the board by which they are employed;
- (b) in relation to teachers (including supply teachers) employed by the Council for Catholic Maintained Schools, that Council;
- (c) in relation to teachers employed in a voluntary school (other than a Catholic maintained school), the managers of that school;
- (d) in relation to teachers employed in a grant-maintained integrated school, the Board of Governors of the school;
- (e) in relation to peripatetic teachers, the board by which they are employed;
- (f) in relation to supply teachers (other than those mentioned in sub-paragraph (b)), the board by which they are employed.

### **Educational projects by Department**

**152.** The Department may carry out any project appearing to the Department to be associated with the provision of educational or library services or recreational, social, cultural, physical or youth service activities or services ancillary to education.

### **Appointment of teachers**

**153.—**(1) Within such time after the coming into operation of this Article as the Department may direct, each board shall prepare and submit to the Department a scheme providing for the procedures to be followed in relation to the appointment by the board of—

- (a) teachers to posts in controlled schools;
- (b) peripatetic teachers;
- (c) supply teachers.

(2) A scheme under paragraph (1) may provide for any specified functions of the board under the scheme to be performed by the teaching appointments committee of the board on behalf of, and in the name of, the board.

(3) Before preparing a scheme under paragraph (1) a board shall consult the Board of Governors of every controlled school managed by the board.

(4) In preparing a scheme under paragraph (1) a board shall take into account any guidance given by the Department, after consultation with all the boards and such other persons as appear to the Department to be concerned, as to the provisions it regards as appropriate for inclusion in a scheme under that paragraph.

(5) The Department may, after making such modifications (if any) in a scheme submitted to it by a board as after consultation with the board it considers necessary or expedient, approve the scheme.

(6) It shall be the duty of the board to give effect to the provisions of a scheme under paragraph (1) which has been approved by the Department.

(7) Where—

- (a) a board fails to submit a scheme to the Department under paragraph (1) by the date directed by the Department; or
- (b) it appears to the Department that a scheme submitted by the board as required by that paragraph does not accord with any guidance given by it for the purposes of this Article and cannot be made to do so merely by modifying it,

the Department may, after consultation with the board and such other persons as appear to the Department to be concerned, make a scheme which shall be treated for the purposes of paragraphs (6) and (8) as if it had been prepared by the board and approved by the Department under this Article.

(8) A board may at any time, and shall if the Department so directs, prepare and submit to the Department a revised scheme or an amendment to an existing scheme and paragraphs (2) to (7) (except (7)(a)) shall apply in relation to any such revised scheme or amendment as they apply in relation to the scheme.