

EDUCATION (NORTHERN IRELAND) ORDER 2006

S.I. 2006 1915

EXPLANATORY MEMORANDUM

COMMENTARY ON ARTICLES

Part Iii – Miscellaneous and Supplementary

Article 27: Admission to grammar schools

34. *Article 27* repeals Article 14 and amends Articles 13 and 15 of the Education (Northern Ireland) Order 1997 to provide that the same admissions arrangements will apply to all post-primary schools.

Article 28: Admission criteria

35. *Article 28* substitutes Article 16 of the Education (Northern Ireland) Order 1997 to provide that, in drawing up its admissions criteria, the Board of Governors of a secondary school shall not include any reference to the academic ability or aptitude of a child (see also paragraph 56). Following consultation, the Department may make regulations about the content of schools' admissions criteria including criteria that are to be included, any specific number or combination of criteria which should be included and if the criteria are to be applied in a specific sequence. Regulations may also enable the Department to intervene if concerned about the likely effect of a school's proposed criteria on its admissions.

Article 29: Admission to secondary school: exceptional circumstances

36. *Article 29* inserts a new Article 16A into the Education (Northern Ireland) Order 1997 to provide that the parents of a child can apply to a body to seek the admission of that child to a particular secondary school on the grounds that there are exceptional circumstances which require him to attend that particular school. Regulations will define exceptional circumstances and the membership of the new body. Pupils admitted to a school under exceptional circumstances will not count towards the school's admission number or enrolment number.

Article 30: Guidance as to admissions

37. *Article 30* enables the Department to issue guidance to education and library boards, Boards of Governors of grant-aided schools, appeals tribunals and the body to be established under Article 29 to consider exceptional circumstances, about the discharge of their functions in relation to admissions and to require regard to be had of such guidance.

Article 31: Suspension and expulsion of pupils

38. *Article 31* enables the Department to establish a scheme specifying the procedure to be followed in relation to the expulsion and suspension of pupils from grant-aided schools

and provides that pupils may be expelled from a controlled school by the relevant education and library board on the application of the Board of Governors, and from any other school by its Board of Governors.

Article 32: Appeals against expulsion

39. *Article 32* enables the Department to establish an appeals tribunal to hear and determine all appeals against expulsion.

Article 33: Appeals against suspension

40. *Article 33* enables the Department to establish arrangements for appeals against decisions to suspend a pupil. Regulations will set out how the appeal system will operate, the circumstances under which an appeal may be made, the procedure to be followed and other matters that the Department may think appropriate.

Article 34: Education of suspended pupils

41. *Article 34* provides that the Board of Governors of a school has responsibility for the education of pupils while suspended from school and for the Department to determine when it may be appropriate for the education and library boards to assist schools in making educational provision for such pupils.

Article 35: Approval of qualifications of teachers

42. *Article 35* amends Article 36(2)(a) of the Education (Northern Ireland) Order 1998 to transfer the approval role of peripatetic teachers' qualifications and the qualifications of teachers in grant-aided schools from the Department to the General Teaching Council for Northern Ireland.

Article 36: Removal from register

43. *Article 36* amends Article 36(3)(f)(iii) of the Education (Northern Ireland) Order 1998 to allow the General Teaching Council for Northern Ireland to withdraw a teacher's registration on the grounds of serious professional incompetence.

Article 37: Terms and conditions of service of registrar of General Teaching Council

44. *Article 37* amends paragraph 5(2)(b) of Schedule 1 to the Education (Northern Ireland) Order 1998 to remove the Department's approval role to the terms and conditions of future registrars of the Council.

Article 38: Membership of governing body of institution of further education

45. *Article 38* amends paragraph 2 of Schedule 3 to the Further Education (Northern Ireland) Order 1997 to enable the Department for Employment and Learning (DEL) to change, by order, the constitution of a governing body of a further education institution.

Article 39: Payments to members of governing body of institution of further education

46. *Article 39* amends paragraph 5 of Schedule 3 to the Further Education (Northern Ireland) Order 1997 to allow further education institutions to remunerate the members of the governing body at such rates and subject to such conditions as DEL, with the approval of the Department of Finance and Personnel, may determine.

Article 40: Baseline assessments

47. *Article 40* repeals the requirement in Chapter I of Part III of the Education (Northern Ireland) Order 1998 for the assessment of pupils in their first year of compulsory education.

Article 41: Removal of the requirement for annual parents' meeting

48. *Article 41* repeals the requirement in Article 126 of the Education Reform (Northern Ireland) Order 1989 on Boards of Governors to hold an annual parents' meeting in a school.

Article 42: Fees for instruction provided by Department of Agriculture and Rural Development

49. *Article 42* confers power on the Department of Agriculture and Rural Development to charge fees for courses of education or instruction that it provides.

50. **Article 43: Regulations and orders**

51. **Article 44: Minor and consequential amendments and repeals**