
Consultation on Proposal for a draft Education
(Northern Ireland) Order

RESPONSE BOOKLET

December 2005

**Responses will not be accepted after
TUESDAY, 7 MARCH 2006**

Please note that to ensure that your comments are taken into account you **MUST** fully complete **SECTIONS 1 and 2** if you are making an individual response, or **SECTIONS 1 and 3** if you are responding on behalf of an organisation.

It is important that you write clearly and legibly. We would ask you to use black pen and **BLOCK CAPITALS** at all times.

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SECTION 1

Name of Organisation: Association of Head Teachers in Secondary Schools

PART II – THE CURRICULUM

General Duty, Statutory requirements relating to curriculum, Duties relating to the curriculum

Articles 3 to 13, together with **Schedule 1**, are revised requirements on Boards of Governors and Principals as to the curriculum and assessment in grant-aided schools. The curriculum must include religious education (this requirement is unchanged), the relevant areas of learning set out in Schedule 1, and must ensure that pupils acquire and develop the specific cross-curricular skills of communication, using mathematics and using ICT and any other skills specified by the Department. The Department of Education will specify the minimum content for each area of learning, and levels of progression for the cross-curricular skills. The Department will also specify the arrangements for assessing pupils in each school year, which will include a requirement for the cross-curricular skills to be assessed using the levels of progression.

(A) If you support what these Articles are designed to do, please say why:

"The association is in broad agreement with these articles which ensure that all Schools provide a minimum common curriculum for all young people.

PART II – THE CURRICULUM

Special Cases

Articles 14 to 17 re-enact without amendment Articles 14 to 17 of the Education Reform (NI) Order 1989, which make clear the special cases when the statutory curriculum can be modified or disapplied.

(A) If you support what these Articles are designed to do, please say why:

'Again we are in broad agreement with these articles which ensure that all schools apply the same standards when dealing with special cases.'

PART II – THE CURRICULUM

Access to Courses for Older Pupils

Articles 18 to 22 are new requirements on schools to provide access to a wider range of courses known as the Entitlement Framework. The number of courses to which schools must provide access for pupils in Key Stage 4 and for those over compulsory school age will be specified by the Department. At least one third of these courses must be general and at least one third applied. The Department will issue lists of general and applied courses and these will be revised as necessary. The Department will be able to modify or disapply these requirements as they apply to individual schools or categories of schools.

Boards of Governors will have a new power to enter into arrangements with other schools, FE colleges and other providers approved by the Department to provide that access. In making such arrangements, Boards of Governors may include specified terms and conditions, and must take account of guidance issued by the Department. Correspondingly, FE colleges will be able to provide secondary education under arrangements entered into with schools.

(A) If you support what these Articles are designed to do, please say why:

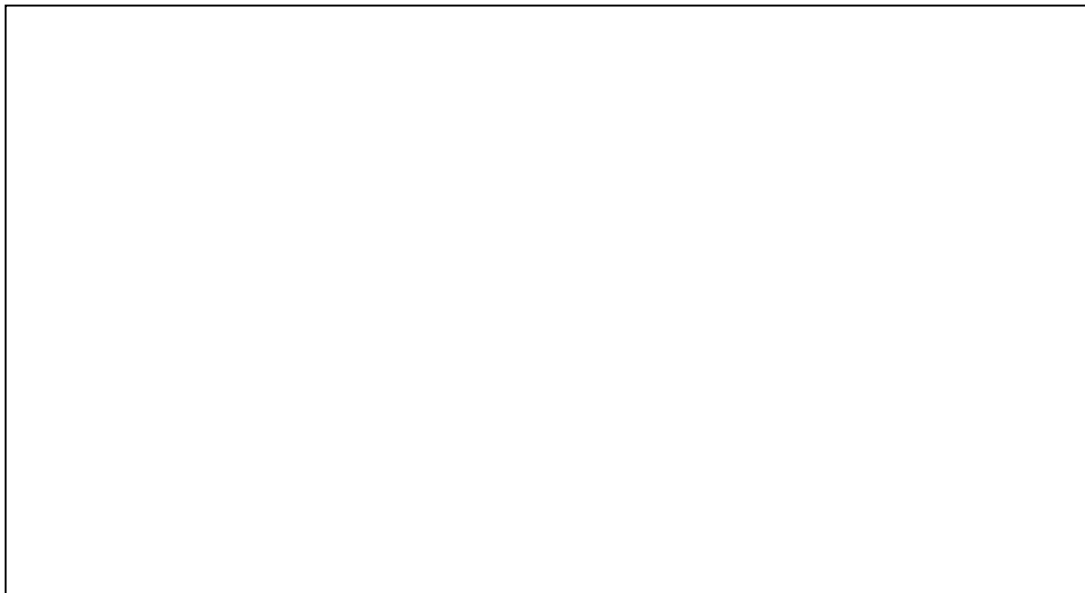
'We broadly agree with these articles which will ensure that all young people have access to a wide range of courses.'

PART II – THE CURRICULUM

Miscellaneous and Supplementary

Article 23 re-enacts without amendment Article 29 of the Education Reform (NI) Order 1989, which requires each Education and Library Board to provide curriculum advice and support for all grant-aided schools in its area in accordance with a scheme prepared by the Board and approved by the Department of Education.

(A) If you support what this Article is designed to do, please say why:



(B) If you do not support all or part of what this Article is designed to do, please say what your objections are and give your reasons:

'No comment

(C) If you have made comments in (B), or for some other reason think that this Article needs to be changed, please state below what changes should be made:

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PART II – THE CURRICULUM

Miscellaneous and Supplementary

Article 24 re-enacts, with minor amendments resulting from the changes in Part II, Article 31 of the Education Reform (NI) Order 1989, which allows the Department to make regulations requiring Education and Library Boards, Boards of Governors or Principals to make available certain information relating to their schools whilst protecting the privacy of certain individuals.

(A) If you support what this Article is designed to do, please say why:

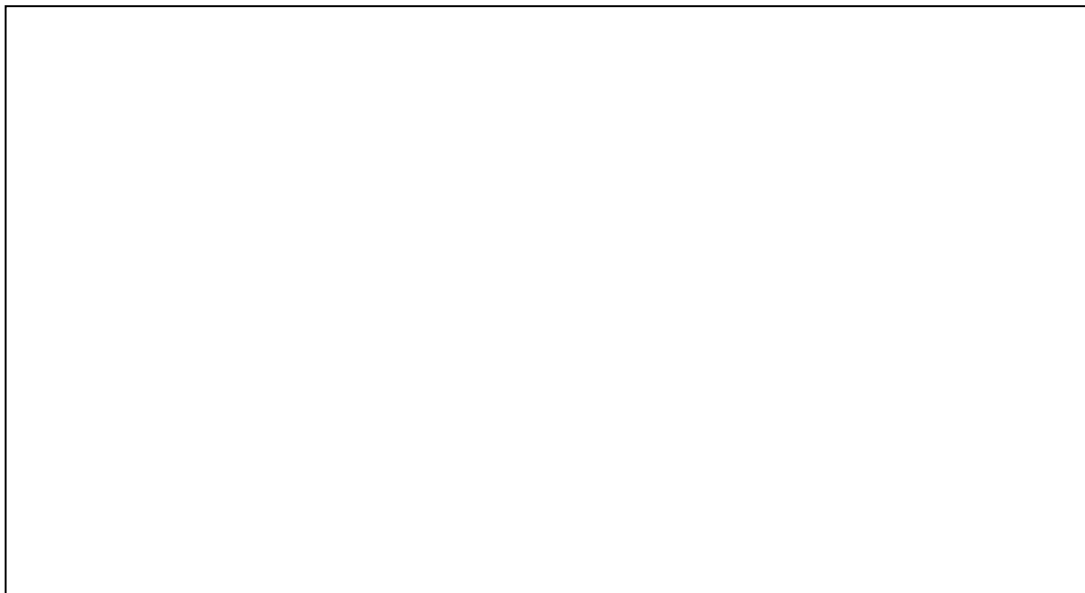
"This article is consistent with the freedom of information act

PART II – THE CURRICULUM

Miscellaneous and Supplementary

Article 25 re-enacts Article 33 of the Education Reform (NI) Order 1989, with amendments to enable curriculum appeals tribunals to consider complaints against Boards of Governors in carrying out their functions under Articles 18-22.

(A) If you support what this Article is designed to do, please say why:



(B) If you do not support all or part of what this Article is designed to do, please say what your objections are and give your reasons:

No comment

(C) If you have made comments in (B), or for some other reason think that this Article needs to be changed, please state below what changes should be made:

PART II – THE CURRICULUM

Miscellaneous and Supplementary

Article 26 lists provisions in Part II which do not apply to nursery schools, nursery classes in primary schools, or hospital schools.

(A) If you support what this Article is designed to do, please say why:



(B) If you do not support all or part of what this Article is designed to do, please say what your objections are and give your reasons:

No comment

(C) If you have made comments in (B), or for some other reason think that this Article needs to be changed, please state below what changes should be made:

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Admissions

Articles 27 to 29 provide for all post-primary schools to use similar arrangements for admitting pupils. All grant-aided schools must have admissions criteria, and where schools receive more applications than they have places, they will use their admissions criteria to determine who shall be admitted. All post-primary schools will draw up their admissions criteria from a menu of criteria specified in regulations made by the Department. Schools will be prohibited from using any form of academic selection based on the ability or aptitude of the child. The regulations may specify criteria which may, or may not, be used, and may also specify the order in which criteria must be used. The Department is required to consult post-primary schools and other bodies before making such regulations.

The Department will also make regulations about the admission to post-primary schools of pupils with exceptional circumstances. The regulations will specify the meaning of exceptional circumstances and provide for a body to be established to consider such admissions. Pupils with exceptional circumstances who are admitted to a school will be regarded as additional to the admissions number for the school.

(A) If you support what these Articles are designed to do, please say why:

'We are strongly supportive of arrangements for transfer which do not use academic criteria and require all post primary schools to use similar arrangements for admitting pupils.'

(B) If you do not support all or part of what these Articles are designed to do, please say what your objections are and give your reasons:

'On the basis of equality of treatment we consider it inappropriate that pupils with special circumstances who are admitted to a school should be regarded as additional to the admissions number. These children generally have statements of special educational need. They should be first to be placed and should then be included in the schools admissions number.

(C) If you have made comments in (B), or for some other reason think that these Articles need to be changed, please state below what changes should be made:

'There should be no additionality for any reason to a school's admission number.

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Suspension and expulsion of pupils from grant-aided schools

Articles 30 to 33 require the Department to prepare a common scheme for the suspension and expulsion of pupils in all grant-aided schools, which must be followed by Education and Library Boards and Boards of Governors. Education and Library Boards will become the expelling authority for all grant-aided schools in their area. Regulations made by the Department will provide arrangements for the consideration of appeals against suspensions and for a tribunal to be set up to consider appeals against expulsions. The education of a suspended pupil will be the responsibility of the school and, in circumstances determined by the Department, the Education and Library Board can provide assistance to the school in providing that education.

(A) If you support what these Articles are designed to do, please say why:

"We agree that a common scheme for the suspensions and expulsions of pupils should be developed but expect DE to have further consultation with Principals in relation to such a scheme.

(B) If you do not support all or part of what these Articles are designed to do, please say what your objections are and give your reasons:

'We do not accept that ELBs should be the expelling authority but would wish to see a single independent authority set up for this purpose. Equally an appeals body must be independent with the legal aspect coming into play only at the stage of judicial review.

(C) If you have made comments in (B), or for some other reason think that these Articles need to be changed, please state below what changes should be made:

'These procedures should not be put in place without consultation with practitioners.

PART III – MISCELLANEOUS AND SUPPLEMENTARY

General Teaching Council for Northern Ireland

Articles 34 to 36 will enable the General Teaching Council to approve the qualifications of persons for registration as teachers; to remove from the register any person found guilty of serious professional misconduct; and to determine the terms and conditions of service of the Registrar.

(A) If you support what these Articles are designed to do, please say why:

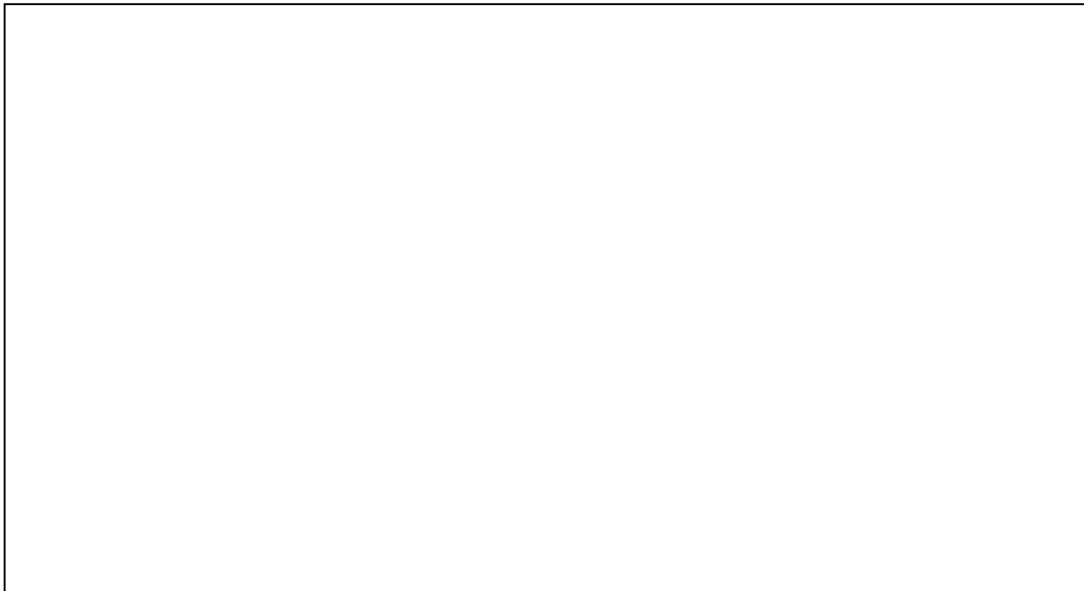
"There is general agreement on these articles.

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Institutions of further education

Articles 37 and 38 enable the Department for Employment and Learning to make an order to amend the membership of the governing bodies of institutions of further education; and provide for members of those governing bodies to be paid for their service as members.

(A) If you support what these Articles are designed to do, please say why:



(B) If you do not support all or part of what these Articles are designed to do, please say what your objections are and give your reasons:

No comment

(C) If you have made comments in (B), or for some other reason think that these Articles need to be changed, please state below what changes should be made:

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Article 39 removes the existing requirements to carry out baseline assessments of pupils in their first year of compulsory education as a result of the new requirement to assess pupils in each school year (Article 9).

(A) If you support what this Article is designed to do, please say why:

'We welcome the removal of these requirements as it is unnecessary in the first year of compulsory schooling

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Article 40 removes the existing requirement on Boards of Governors of schools to hold an annual parents' meeting.

(A) If you support what this Article is designed to do, please say why:

"These meetings have not been traditionally well attended since their implementation and their removal will be seen as a positive move to help in reducing unnecessary workload on schools

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Miscellaneous

Article 41 makes it clear that the Department of Agriculture and Rural Development (DARD) may charge people fees for attending courses of education or instruction that it provides. DARD will specify in regulations how much it will charge and what it will charge for. At the moment, DARD charges fees for students attending higher education programmes at the College of Agriculture, Food and Rural Enterprise (CAFRE). This fee is the same as that paid by students attending other colleges of further and higher education or universities and goes towards the costs of providing the course.

DARD has no immediate plans to introduce fees for other types of course.

(A) If you support what this Article is designed to do, please say why:

No comment

PART III – MISCELLANEOUS AND SUPPLEMENTARY

Supplementary provisions

Article 42 is concerned with the content and approval of orders and regulations made under the Order.

Article 43 and Schedules 2 and 3 amend or repeal a number of provisions which are minor in nature or are required as a result of the changes made by other parts of the Order. The amendments resulting from the introduction of the Entitlement Framework include provisions to:

- make clear that a pupil who may attend another school for part of his education can be registered at only one school;
- clarify the roles and responsibilities of Boards of Governors and Principals under the Education Orders where a pupil is registered at one school and attends another for part of his education; and
- ensure that information is made available about courses being provided in FE colleges and that information about a pupil's attainments in an FE college is made available to the school at which he is registered.

(A) If you support what these Articles are designed to do, please say why:

No comment