



The Draft Education (Northern Ireland) Order 2006

Comments from the Institute of Directors Northern Ireland Division (IoD)

**Post Primary Review Team
Department for Education
Rathgael House
Balloo Road
Bangor
BT19 7PR**

Introduction

1. The purpose of this submission is to provide comments from the IoD on the specific content of the above draft Order.
2. Over the extensive process of consultation that has taken place we have commented at length on the policies and general intentions, which underlie the draft Order. We summarised our position, again, in our last submission dated June 2005. Those views, which still stand, are both supportive in general but in some respects critical. We will not repeat them all now.
3. It is important, however, in this document to draw attention to our main concerns as they now stand because they underpin some of our comment on the draft Order although some of what we seek is more a matter of policy and practice than legislation.
4. Our main concerns are as follows-
 - a. Whilst we support the abolition of the present transfer test and its replacement based on the concept of 'parental preference', we do not think that the latter will be credible, fair or effective unless preference can be met in almost all cases. We have stressed, therefore, the importance of policies and practices being applied to ensure that there are sufficient places in schools, which are acceptable to parents. We are disappointed not to have received or to have seen any specific acknowledgement or response to this point.
 - b. Likewise, we accept the need for some form of selection process where there are insufficient places in schools that parents prefer. We would expect its importance to decline as supply of places at high performing schools increasingly matches demand, as in our view it must. Investment in the creation/development of such schools must also be a specific objective of policy. The present downward trend in the numbers of pupils provides an excellent opportunity for this to be achieved. The current situation in which a selection system is necessary as a means of rationing out insufficient places in demand, thus merely distributing disadvantage, must not be allowed to continue.
 - c. Whilst we also support the use of the pupil profile in assisting parents to form their preference, we consider that the profile should be strengthened by means of objective elements, such as the on line assessment programmes now available through Alta Systems. The reference in the Minister's statement to teachers having the ability to use different assessment methods including some computer based tasks does not go far enough to ensure objectivity.
 - d. We are very concerned that the standards in our 'best' schools (whether so called Grammar or Secondary schools) should be maintained and that standards in our less successful schools

should be raised ('keep the best, improve the rest'). We do consider that the nature of the changes now intended present threats to the maintenance and enhancement of standards.

e. One of the threats to the maintenance of standards is that under the current proposals, receiving schools will have virtually no control over admissions except by reference to criteria drawn from a menu, which the Department has prescribed as permissible. We, therefore, consider that schools should see pupil profiles before selections are made, even though they must abide by the ban on academic selection. If they are to carry the respect and authority that the maintenance of standards and ethos requires, receiving schools must have some control over both admissions and departures and be able ensure the necessary qualities of endeavour, commitment and discipline.

f. We are not content with the criteria that the Department apparently proposes to apply. We object in particular to criteria dependent on geographic location. This will disadvantage children from rural and outlying areas and give advantage those with the means to relocate near an acceptable school - thus creating a kind of class privilege that does not currently exist.

5. We now turn to the specific content of the draft Order itself, commenting only on those articles that arouse our particular interest or concern.

Curriculum (Part II of the draft Order)

6. In general, we support the intention (ascertained through discussions with NI CCEA and from interpretation of the draft Order) to confine compulsory elements of the curriculum to certain key fundamental matters and to enhance the flexibility given to schools to respond to the needs of their pupils.

Minimum Content (Art 7)

7. Whilst we are content that the Department should be given powers to define minimum content for areas of learning, we should be glad to be informed of what expertise the Department will draw on and what organisations or persons it will consult. If there is to be a consultation process we would expect the IoD to be included.

Skills (Art 8)

8. We welcome the requirement that schools must ensure provision for the cross-curricular skills of communication, using mathematics and using ICT. We assume that suitable reference will be made to progress in such subjects, amongst others, in the assessment process.

Assessment (Art 9)

9. We welcome the requirement on grant-aided schools to assess each pupil in each school year. We suggest that, so far as possible, assessments should be made through objective criteria and that reference should be made to them in pupil profiles.

Determination of Curriculum Policy and Curriculum (Art 12)

10. We note the requirement that the scheme of management for each grant-aided school should require Boards of Governors to determine and keep under review and to produce up to date statements of policy concerning the curriculum for the school.

11. We note also the requirement on Boards of Governors to send copies of such statements to the relevant Board and the CCMS. However, in the coming days of parental preference the statements should be published so that parents form a better view of what they are taking on for their children when expressing a preference.

Access to Courses for Older Pupils

12. Articles 18 and 19 stipulate proportions of courses that should be applied and general courses in relation to key stage 4 and for pupils over compulsory school age (currently 16). They also enable the Department to specify the number of courses that must be available. Article 21 permits schools to make arrangements for the provision of courses with other schools, institutes of further education and other approved persons or bodies.

13. We understand that the Department intends to 'specify' that 24 and 27 courses must be available at key stage 4 and for the post compulsory education group respectively.

14. In general, the IoD supports the broadening of choice. We would agree should apply at schools throughout Northern Ireland and not just at schools, which, because of their particular size and enjoyment of resources, are able to offer a wide choice. We welcome also the greater provision that is to be made for vocational education and wish that requirement to be taken seriously as the Department apparently intends.

15. However, the numbers of courses in mind, and the strict stipulations of proportions of the various types that must be provided, at face value seem somewhat arbitrary and we wonder how carefully the practicalities have been thought through. There could well be difficulties in meeting requirements even allowing for the provision for co-operation with other bodies: there are bound to be logistical problems to be overcome.

16. We, therefore, urge the Department to be prepared to be somewhat flexible on these matters and to allow variations, and perhaps exemptions, where there is no reasonable alternative. We assume such flexibility could be granted under the power to specify exceptions that would be afforded under Article 22: if not, then provision for it should be made in the Order.

Part III (Miscellaneous and Supplementary)

Admission Criteria (Art 28)

17. Article 28 on its own conveys the impression that, apart from the application of academic selection, schools will be free to determine the criteria, which will govern admissions. We urge the Department to allow that position to be the case and not to intervene by the making of regulations forcing Boards of Governors to apply the criteria, which it stipulates as under Article 28 (6).

18. As we have made clear above (para 4), it is essential for schools to be seen to be in control and able to ensure motivation and discipline if the maintenance and improvement of standards is to be achieved.

19. We propose, therefore, that Article 28 (6) should be amended to make clear that it is to be invoked only in relation to particular schools (if any), which in the Department's view are abusing their rights to determine criteria so as to get round general education policy (eg perhaps in relation to academic selection).

20. Article 28 (5) would forbid criteria including reference to aptitude as well as academic ability. We suspect that the Department is intent on closing a potential loophole whereby aptitude might be used as a proxy for academic ability. However, in doing so, it is conveying a wrong message. There are many forms of aptitude, many of them having little relationship with academic ability. An essential function of a good education system is not to discourage reference to aptitude but to enable youngsters to develop it to their future advantage and to find institutions in which they will best prosper. We request, therefore, that Article 28 (5) should be amended to make clear that reference to aptitude will only be unlawful where it is used as a device to thwart the Department's policy on academic selection.

Pupil Profiles

21. The draft Order makes no specific provision for profiles or their use. We assume that the Department is content that it already has whatever authority it needs for the purpose. We should be glad to be informed of the legislation under which the Department intends to proceed and where it will stipulate the uses to which the profiles are to be put.

Costings

22. We have seen no estimates of the cost of the proposed changes. If they do not already exist, costings should be undertaken immediately. Ministers should be prepared to report when the Order goes before Parliament. They should also be able to provide assurance that the costs can be met within Departmental budgets, failing which the changes should be delayed until they can be afforded.

Conclusion

23. The Institute would be happy to provide more information in respect of this submission if invited to do so.

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Contact

**Linda R Brown
Divisional Director**

**Institute of Directors
4 Royal Avenue
Belfast
BT1 1DA**

**T 028 9023 2880
F 028 9023 2881
E iod.northernireland@iod.com**