

**Department of Education for Northern Ireland  
Consultation on Proposal for a draft Education (Northern  
Ireland) Order  
Tuesday 7 March 2006**

1. NASUWT welcomes the opportunity to comment on the Proposal for a draft Education (Northern Ireland) Order.
2. NASUWT is the largest union representing teachers and Principals in Northern Ireland and throughout the UK.

## **SPECIFIC COMMENTS**

### **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 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.*

3. NASUWT insists that it is involved in negotiations on the format of the Pupil Profile. The development of such a profile and its intended use will have major implications for teacher workload.
4. NASUWT is seriously concerned by aspects of the pupil profile content. The Union is most concerned by the ambiguous references to “some commentary on the pupil’s performance” and “qualitative comments”; given the potential to increase significantly the workloads of teachers.
5. NASUWT accepts and agrees with the concept of parental involvement and appropriate information being available to parents. However, the Union is aware that parents do not necessarily agree with or accept information provided for them. NASUWT is concerned as to the outcome if parents are unwilling to accept the professional information and advice to which they have access.
6. NASUWT supports the flexibility which will accompany the introduction of the new curriculum. However, the Union is as yet unclear as to how this process will work in practice. The Union wishes to be involved in ongoing consultations on the development and outworking of the new curriculum.
7. NASUWT would wish to be involved in further consultation in the minimum requirement for cross curricular studies.
8. NASUWT is concerned at the inclusion within the Assessment profile of levels of progression which are not specified. Including levels of progression will not be informative to parents but misunderstanding could cause conflict and possible litigation between parent and teacher.
9. NASUWT believes the current examples of Assessment profiles to be unsatisfactory and not ‘fit’ for purpose and require extensive revision and simplification.

10. NASUWT would, following consultation, be willing to see the Assessment profile as being the only formal system of assessment used in schools. Duplication of systems would be over bureaucratic and unnecessary.

**NASUWT recommends that:**

- *the Union is directly involved in consultation on the development of the Pupil Profile;*
- *the union is directly involved in consultation on the development and outworking of the new curriculum;*
- *the union is involved in consultations for Cross Curricular Studies;*
- *the current assessment profiles are unsuitable and require urgent review;*
- *that an agreed Assessment Profile should be the only formal system of assessment.*

**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.*

11. NASUWT believes that schools need to be able to respond to special circumstances including pupils with Special Educational Needs.
12. NASUWT accepts these Articles allow schools to respond to the necessary curriculum review and development work which arises out of whole school evaluations.

**NASUWT recommends that:**

- ***Schools must be able to respond to special circumstances.***

**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.*

13. NASUWT believes that the introduction of the new curriculum cannot take place effectively in a selective education system. It is therefore imperative that progress towards the abolition of selection in 2008 continues rapidly. The Union considers this must be a priority for DE.
14. NASUWT believes that adjustments in school provision are not the appropriate way forward. To deliver the range of educational opportunities envisaged by the Costello Report the Union considers that

a new mechanism of funding schools must be developed. The use of the Age Weighted Pupil Unit in a period of decline in numbers will result in schools haemorrhaging staff. This will then produce a situation where, when increased numbers of staff are needed to deliver the new post primary arrangements they will not be available.

15. NASUWT would wish to be involved in consultations on alternative funding mechanisms.
16. NASUWT supports the concept of the Entitlement Framework. However there are many details which are not yet clear. In this context NASUWT is seriously concerned by the apparent lack of urgency on the part of DE to encourage the development of local partnerships. For the entitlement framework to be available to all pupils from 2008 work needs to be progressing now.
17. NASUWT is strongly of the opinion that local collaborative arrangements must be within a province wide framework. To ensure this the DE must move to provide advice and guidance now.
18. To return to the Entitlement Framework itself the document states that there must be available 1/3 vocational and 1/3 academic courses. However the Union remains unclear as to whether pupils will be required to select from both these options.
19. The Union is seriously concerned by the apparent confusion indicated when DE is contacted as to which courses will be designated as vocational and academic.
20. On the assumption that very few schools will be able to provide all 24 and 27 courses within one campus, there are major areas of detail which need to be addressed e.g. transport, timetabling, teacher movement.

21. NASUWT is concerned by the reference to 'ethos'. Moving from a selective to a non selective system will present many problems not least amongst them parental perception. Much work will need to be done to ensure that schools are on equal terms and that the concepts of "better" schools and "competition" will have to be addressed.
22. NASUWT would like to believe that the "wide disparity in provision" will end. However, for this to happen the Union considers that much groundwork will need to be carried out by the DE to make this statement a reality.
23. NASUWT is disappointed by the specific reference here to co-operation and collaboration. There must be a recognition that such collaboration will have to involve all schools i.e. CCMS, Controlled, Voluntary Grammar, Integrated and Irish Medium as well as the FE sector.
24. NASUWT considers that immediate and meaningful consultation must take place on such co-operation.
25. NASUWT accepts the new requirements on schools as an opportunity to provide a wider range of courses for all young people.
26. NASUWT believes the Entitlement Framework will require schools and FE colleges to collaborate and place the young person as the focus for education.
27. NASUWT is concerned as to the importance of Child Welfare and Pastoral Support between the years of 14-19 whilst undergoing education at more than one educational establishment.
28. NASUWT is equally concerned as to the provisions in place to protect students from abuse whilst receiving education at more than one educational establishment.

29. NASUWT raises the importance of school Disciplinary Procedures and the difficulties that would occur between more than one educational establishment.
30. NASUWT insists that all teachers involved in this collaboration must be qualified and remunerated on National Salaries and Conditions. NASUWT would strongly resist the threat of casualisation through the use of temporary contracts.

**NASUWT recommends that:**

- *progress towards the abolition of selection is a priority for DE;*
- *serious and immediate consideration is given to an alternative method of funding schools from the current AWPU;*
- *the Union is directly involved in consultation on alternative funding mechanisms;*
- *the DE consult NASUWT immediately on the implications arising from the development of an entitlement framework, given that the implications this raises are of serious and ongoing concern to teachers;*
- *the DE actively promotes the development of local partnerships;*
- *a province wide framework is developed to support local collaborative arrangements;*
- *immediate steps are taken by DE to address the change from a competitive system to a collaborative system;*
- *the DE develop systems which will promote collaboration between all sectors and NASUWT must be involved in the development of such systems;*
- *common pastoral care processes and safeguards operate across educational establishments;*

- *common disciplinary processes and procedures are implemented across educational establishments;*
- *all teachers are qualified and remunerated on National Salaries and Conditions;*
- *there should be no moves towards the casualisation of the teacher workforce, and DE should monitor closely the extent to which there is any change in the use of temporary contracts.*

### **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.*

31. NASUWT opposes the involvement of the Education and Library Boards in providing curriculum advice and support to schools in its area. This arrangement would prevent a uniformity of provision of support and advice to teacher and schools.
32. NASUWT believes there to be an opportunity for the employer to introduce a single strategic body to provide teachers and schools with high quality continuing professional development as an entitlement and uniform basis for all teachers. NASUWT regards continuing professional development as an employer responsibility.

**NASUWT recommends that:**

- ***a single strategic body to provide curriculum, advice and support to schools across Northern Ireland;***
- ***a single strategic body to provide teachers and schools with high quality continuing professional development.***

**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.

33. NASUWT is concerned that further requirements for information from schools will add to the bureaucratic and administrative burdens to schools and teachers.

34. NASUWT would wish to be consulted on the 'prescribed' information in terms of its necessity and importance to the work of the school.

**NASUWT recommends that:**

- ***the union is consulted on the 'prescribed' information required by schools.***

**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.

35. NASUWT is not convinced as the requirement of Curriculum Appeals whilst the 'Entitlement Framework' is unknown and unproven.
36. NASUWT believes that the 'Entitlement Framework' should be flexible to accommodate all students within the education system.
37. NASUWT believes that such appeals just creates an unnecessary heavy bureaucratic system which is disproportionate to the possible outcomes.

**NASUWT recommends that:**

- *the union be consulted on the necessity of curriculum appeal tribunals.*

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

**NASUWT recommends that:**

- *the present arrangements continue.*

### **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.*

38. NASUWT considers the establishment of a province wide framework to be essential in order to achieve consistency in the arrangements for school admissions.
39. NASUWT supports action to put an end to the damaging culture of competition between schools.
40. NASUWT considers it essential that a review of the implications of the 14-19 agenda be carried out to identify the effect on post primary admissions criteria.
41. NASUWT asserts that systems of school organisation and admission must provide equal access to the highest quality learning opportunities for all young people whilst contributing to high expectations for all.
42. The available evidence demonstrates that, rather than helping to raise educational standards, the system of selection undermines educational performance which is so central to economic performance.

43. The converse of the practice of schools selecting pupils, it has been suggested, is the policy of parental preference, which in England was intended to provide the opportunity for parents to select schools which they would want their children to attend. In fact, the policy has been a fallacy.
44. It remains the case that many parents find the admissions process confusing. Often, parents mistakenly believe that a place will be available for their child at their first preference school. Successive Governments have fostered a misguided belief amongst parents in the myth of parental choice.
45. NASUWT expects the issue of choice to be made absolutely clear to parents in Northern Ireland so that the education system here learns from the difficulties encountered in England.
46. ELBs must play a key role in the co-ordination of admissions. Regulations enabling certain schools to apply their own admission practices would cause considerable distress and confusion to many pupils and their parents. The Union does not believe that equality of educational opportunity and high expectations can be fostered within an environment for school admissions in which there are winners and losers. There must be a Northern Ireland wide framework for admissions.
47. The Union asserts that the formula for determining the number of school places should have a high level of transparency. It should take account of health and safety requirements not only on overall capacity but also for specialist curriculum provision. Governing bodies and heads should not be allowed to admit more and more pupils into unsuitable accommodation. NASUWT casework demonstrates that accidents are occurring in schools when vast numbers of pupils are moving round the

school, particularly at change of lessons in corridors that were never built to accommodate them. Overcrowding also contributes to pupil indiscipline.

***NASUWT recommends that:***

- ***a province-wide framework for school admissions be established;***
- ***action be taken to end the damaging culture of competition between schools;***
- ***a review of the implications of the 14-19 agenda be carried out to identify the effect on post primary admissions criteria;***
- ***ELBs should play a key role in the co-ordination of school admissions;***
- ***the formula for determining the number of school places should be appropriately revised to ensure a high level of transparency impact on educational standards and health and safety.***

### **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.

48. NASUWT is opposed to Education and Library Boards becoming the expelling authority for schools and has campaigned extensively against Independent Appeal Panels.
49. NASUWT believes that School Principals and Boards of Governors must be central to any decision making processes related to suspensions and expulsions.
50. NASUWT believes that schools after following due process must have the authority to suspend and exclude students to protect the disciplinary authority of the school.
51. NASUWT agrees that the school is responsible with assistance from the existing Education and Library Boards to provide education for a suspended student. The schools should continue to provide educational materials during periods of suspension and exclusion.
52. NASUWT is concerned that Education and Library Boards will pressurise schools through bureaucracy to reduce suspensions and expulsions to the detriment of good order and the well-being of students at the school.
53. NASUWT will continue to support its members up to and including Industrial Action in cases of disruptive and violent incidents.

**NASUWT recommends that:**

- ***its unnecessary to involve Education and Library Boards becoming suspending and expelling authorities for schools;***
- ***schools after following due process must have the authority to suspend and exclude students.***

## **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.*

54. NASUWT insists that the GTCNI remains within the remit of its Statutory Order.
55. NASUWT is alarmed that 'serious professional incompetence' has been added to the remit of the GTCNI without inclusion in the response material.
56. NASUWT is content for the GTCNI to consider cases of 'serious professional misconduct' but would reject the proposal for 'serious professional incompetence' to be within its remit.

### **NASUWT recommends that:**

- *cases of professional incompetence remain within the existing procedures outside of the control of the GTCNI.*

## **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.*

57. NASUWT is concerned as to a conflict within two Government Departments with regard to education provision that includes students of school age (including 16-19).
58. NASUWT would prefer one Government Department to have responsibility.
59. NASUWT objects to the proposal to pay members of the Governing Bodies of Further Education Colleges on the basis of inconsistency with the voluntary nature of the role as a Governor in a College or a School.

**NASUWT recommends that:**

- *member of governing bodies remain unpaid for their services;*
- *one Government department have responsibility for students of school age and through to the age of 19.*

**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).*

60. NASUWT welcomes the removal of baseline assessments which have become bureaucratic and unnecessary.

**NASUWT recommends that:**

- ***baseline assessments be removed.***

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

61. NASUWT accepts that the existing requirement did not meet the desired aspiration as in the majority of cases the meetings were poorly attended and these would be often more profitable interaction with parents.

**NASUWT recommends that:**

- ***the requirement for annual parents' meetings be removed.***

**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.

62. NASUWT opposes the introduction of fees at any level of education.

**NASUWT recommends that:**

- ***no fees be introduced.***

**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.*

63. NASUWT accepts that the responsibilities of schools need to be defined in a flexible provision of the 'Entitlement Framework'.

64. NASUWT regards it as essential that lines of communication and information are clearly established before entering into any partnership.

**NASUWT recommends that:**

- ***specific criteria be available to schools to determine the appropriate school for pupils to be registered.***

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**General Secretary**

For further information on the Union's response contact.....

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