

**North Eastern Education and Library Board**

**Response to the**

**Proposal for a**

**Draft Education (Northern Ireland) Order**

## 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 North Eastern Education and Library Board supports the revised framework for the curriculum as outlined in Articles 3-13 and in Schedule 1. It believes that the proposed curriculum reflects the outcomes of the extensive consultation on the current curriculum with a range of key stakeholders, including young people, and represents the types of learning experiences that pupils require to prepare them to take their place in society and to contribute to an increasingly changing and global economy. Please note comments made in (C) below. Training in relation to the curriculum roll out is already underway and the Board's CASS service is heavily committed to the process.

**(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:

(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:

### **8. Skills**

8.(3) This para. states “ The Dept. may by order specify, in relation to a cross-curricular skill and pupils in key stages 1,2,3 and 4, such levels of progression as it considers appropriate for that skill.

This para. appears to be in conflict with para.4(a) which states “ It is the duty of the dept. ...to set in place as soon as practicable levels of progression in relation to pupils in key stages 1,2 and 3.

While (3) specifies levels of progression will be specified for key stage 4 para.4(a) identifies levels of progression for key stages 1,2 and 3 only. Teachers are required to teach the 3 cross-curricular skills in key stage 4 then it would be helpful for teachers (and pupils) to have progression clearly identified between KS3 and KS4.

### **9. Assessment**

Para.3(b) Assessment arrangements specified under para. (2)(b) may in the case of pupils at KS4 require pupils to be assessed by reference to levels of progression specified under Article 8(3)

Schools would welcome a definite statement i.e. pupils will be assessed or pupils will not be assessed at KS4 in cross-curricular skills.

### **12. Determination of curriculum policy and of curriculum**

12(1)(b) “...duty of B. of G. to make, and keep up to date, a written statement of that policy

12(8) “copy of every statement made by it (B.of G.) to relevant board/CCMS

It would be helpful if this actually made the link between the School Development Plan and this requirement. Schools will then realise that this is not an extra requirement above and beyond the SDP.

## **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:

The Board supports these Articles as they continue the good practice developed and implemented under existing legislation.

**(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:

**(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 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:

The Board supports the articles with the caveat outlined in (C) below.

The Board is already working closely with its educational partners and post – primary Principals and together a major conference has been scheduled to take place in March 2006 to establish learning communities in the Board’s area with the aim of enabling all pupils to access a broader range of courses.

The Board is committed to the concept of learning communities as part of a global development but believes the concept needs to be developed sensitively with adequate resources given to schools to enable them to participate meaningfully in the development of learning communities at local level

The Board would advise the Department of Education that the success or otherwise of such a development is contingent on DE amending or introducing policy changes which create a collaborative rather than a competitive culture as exists at present within education. The Board believes that it is important that DE addresses the many practical implications of collaborative working including the full resourcing of schools and the schools estate.

**(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:

**(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:

**18. Access to courses: pupils in KS4**

18(1)(d) access to.....at least one shall be a course in an official language of the EC (other than English and Irish)

This should be specified in Schedule 1 Part iv KS4 as a contributory element to Modern Languages as it is in Part III KS3.

## **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:

The Board supports the continuation of its role in providing training and support to teachers but believes the Article should be amended to reflect the comments in (C) below.

**(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:

**(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:

The Board supports a continuation of its role in making provision for the training and support of teachers. However, it believes that there is a need to amend the Article to reflect the manner in which support services have developed in recent years, with particular reference to the movement towards a broader role in supporting whole school development and school improvement. The title Curriculum Advice and Support by Boards does not accurately reflect this broader role and provides the potential for the service to be interpreted narrowly as purely related to curriculum matters. It should be noted that there is a continuing need for the provision of curriculum support within the wider school improvement role of the services.

## **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:

The Board supports this Article as it continues established good practice and is based on the principle of openness and transparency in the delivery of public services.

**(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:

**(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 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:

The Board supports the opportunity for appeals to be made, as this provides a legal framework and process to deal with situations and concerns raised by parents.

The Board also supports the provision for complaints relating to curriculum matters.

**(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:

**(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:

It is important the appeal process is simple, workable and not bureaucratic

## **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:

The Board supports the Article as it provides a statutory framework for the operation of the nursery and hospital schools.

**(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:

**(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:

If the Government has decided on the general policy regarding school admissions then the Board believes that the provision under Article 28 to facilitate the making of regulations for the drawing up of criteria from a “permitted” list will contribute to the provision of equitable access to schools by pupils seeking admission and will provide schools with the opportunity to establish criteria relevant to their local circumstances. The Board while recognising local circumstances also recognises the need for all schools to operate such criteria within an agreed template.

It is anticipated that only a limited number of post-primary schools will have to avail of the criteria, particularly in a context of a further demographic downturn in the school population

The Board supports the principle of informed parental selection of an appropriate school for the education of their child. The Board would stress the importance of DE undertaking real and meaningful consultation with schools and the Transfer Sections in the Boards before legislation is introduced

The Board supports the creation of a single body to deal with compelling individual circumstances as this will ensure consistency and promote equity.

**(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:

**Article 28** amends article 16 of the 1997 Order.

16(2) (a) requires the Board of Governors of a controlled school to consider representations made to it by the (Education and Library) board and Catholic Maintained schools to consider representations made to them by CCMS. It should be noted that following the establishment of the single Education Authority there will be one employing authority for all schools which would presumably eliminate the need for representation from CCMS. The Board acknowledges that future legislation will be required to address this.

The board will be responsible for the administration of admission appeal tribunals and through this will incur costs of challenges (from judicial review down) to **all schools in its area**. There should be an obligation on all schools to consider any representations made by the board about their criteria.

16(8) (b) should refer specifically to the board. It is not sufficient to assume that the department will always include the board in” such bodies as appear to the Department to be appropriate”.

**Article 29** inserts 16 (A) after article 16 of the 1997 Order. Reference is made to a new body which will consider “exceptional” circumstances. The term used in previous consultations was “compelling” individual circumstances. Surely the role of the body will be to determine whether or not the circumstances are sufficiently **compelling** to merit admission to the school in question rather than whether the circumstances are “exceptional”. Recommendation is that the word compelling replaces the word exceptional wherever used in this article.

16(A) 7 Permits the Department to pay travel and subsistence to members of the new body. It may be necessary to also pay chairs/members attendance allowances at rates appropriate to the responsibility.

(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:

**Article 28** amends article 16 of the 1997 Order.

16(2) (a) requires the Board of Governors of a controlled school to consider representations made to it by the (Education and Library) board and Catholic Maintained schools to consider representations made to them by CCMS. It should be noted that following the establishment of the single Education Authority there will be one employing authority for all schools which would presumably eliminate the need for representation from CCMS. The Board acknowledges that future legislation will be required to address this.

The board will be responsible for the administration of admission appeal tribunals and through this will incur costs of challenges (from judicial review down) to **all schools in its area**. There should be an obligation on all schools to consider any representations made by the board about their criteria.

16(8) (b) should refer specifically to the board. It is not sufficient to assume that the department will always include the board in” such bodies as appear to the Department to be appropriate”.

**Article 29** inserts 16 (A) after article 16 of the 1997 Order. Reference is made to a new body which will consider “exceptional” circumstances. The term used in previous consultations was “compelling” individual circumstances. Surely the role of the body will be to determine whether or not the circumstances are sufficiently **compelling** to merit admission to the school in question rather than whether the circumstances are “exceptional”. Recommendation is that the word compelling replaces the word exceptional wherever used in this article.

16(A) 7 Permits the Department to pay travel and subsistence to members of the new body. It may be necessary to also pay chairs/members attendance allowances at rates appropriate to the responsibility.

## **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:

The Board is in agreement with the proposals in general and in particular believes that Article 30 (2) (a) which establishes the Board as the expelling authority for all grant aided schools in its area will ensure a consistent and equitable system for all 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:

(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:

**Article 31(7)** Members of the new expulsion appeal tribunal will require a substantial amount of legal training and such cases demand a high time commitment before, during and after the hearing. The Department may wish to consider payment of attendance allowances at appropriate rates for chairs/members in addition to the travel and subsistence allowances referred to.

**Article 32 Appeals against suspension**

It is not clear whether the appeal will be to an independent appeal tribunal or other person or body. Any formal procedure replacing the board of governors as the appeal authority may undermine the school's ability to protect the health and safety of the majority of the pupils in its care and should not be established without very careful consideration and genuine consultation.

The resources required, the timescales which would be necessary, the bureaucratic burden which would be placed on schools and the implications for the recruitment and retention of staff in schools **all** require further investigation before decisions are taken.

In summary, the NEELB continues to have real reservations about the practicalities and the merit of this specific proposal and would urge DE to rethink this particular piece of legislation.

The Board believes that appropriate financial resources need to be made available for the implementation of Articles 30-33.

### **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:

The Board supports these Articles as they will introduce a regulatory framework for members of the teaching profession in Northern Ireland and in doing provide for the protection of young people in schools.

**(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:

**(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

### *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:

The Board supports Article 37 which will enable the Department for Employment and Learning to change the membership of Governing Bodies of Institutes of Further Education.

**(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:

The Board has concerns re the proposal to remunerate members of Governing Bodies of Institutes of Higher Education in isolation .The Board would draw to DE's attention to the potential implication for the rest of the education service if this is progressed.

**(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:

The Board supports Article 39 as it believes that, in the context of the Foundation Stage and the requirement for assessment of pupils in each school year baseline assessment in the first year of schooling becomes unnecessary.

**(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:

**(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**

#### ***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:

The Board supports and recognises the practicality of Article 40. It believes it is a recognition that despite the best efforts of schools attendance at the annual parents meeting in most schools has been poor. However, the Board believes this reflects the fact that schools have very effective mechanisms for communicating with their parent body on an ongoing basis.

**(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:

**(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**

#### ***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:

The Board supports this Article as it would ensure that all schools would be accessing Further Education provision on the same basis.

**(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:

**(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**

### ***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:

The Board supports these Articles which facilitate the provision of a wide range of academic and vocational opportunities for pupils learning and ensures the fulfilment of the Entitlement Framework for every young person.

**(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:

**(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: