

**RESPONSE OF THE NORTHERN IRELAND EDUCATION COMMISSION
(BISHOPS AND RELIGIOUS CONGREGATIONS)
TO THE
DRAFT EDUCATION (NI) ORDER 2006**

The Trustees (Bishops and Religious Congregations) welcome the opportunity to respond to the consultation on the Education (Northern Ireland) Order 2006 and would make the following observations:

As a general comment, the Trustees wish to point out an apparent conflict between the spirit underpinning the proposed new Education Bill for England and Wales, which is one that encourages greater independence and freedom for schools, and that of the Education Order for N Ireland, which instead, takes a highly centralised approach in relation to suspensions and expulsions. This apparent contradiction in government policy raises questions as to why the two Departments of Education appear to be moving in opposing directions.

Part II – The Curriculum

Articles 3 – 10

The Trustees acknowledge the need for the introduction of the revised Northern Ireland Curriculum and the provision for equity of access to the broad range of motivating courses and choices in the curriculum at the four Key Stages and at Post-16 level. While the emphasis on the development of skills and capabilities for Life Long Learning is also welcomed, the Trustees would wish to be assured that the content of such courses is sufficiently rigorous and in such detail as to ensure a high level of standard of literacy, numeracy and ICT skills among our young people.

In Article 3 (1) reference should be made specifically to the skills of problem solving; working with others and improving one's own learning and performance.

In Article 6 there appears to be some inconsistency in relation to numeracy for the Foundation stage and Key Stages 1 and 2. The contributory elements – viz. number, shape and space, measure and data handling – should be the same for each key stage. It is also important that Science and Technology should be given a high priority in these key stages in order to maintain standards in Northern Ireland so that we are economically competitive. The Trustees wish to be assured that the legislative changes proposed would not weaken the rounded education that young people deserve in the key areas of literacy, numeracy and ICT skills, as well as extending their knowledge and

understanding of local, national and international History, Geography, the environment and modern European Languages.

In Article 8 (2) all six cross-curricular skills should be included. Thus, Problem-solving, Working with Others and Improving One's Own Learning and Performance should be incorporated into the legislation. We would also have concern regarding Article 8 (1) (b) of the "other skills" which are not specified in the statutory instrument. This phrase is too vague and should be more clearly enunciated in the Draft Order. In addition, Trustees would be of the view that assessment by reference to levels of progression should not be limited to only the cross-curricular skills.

The Trustees welcome the content of Article 9 with regards to assessment and it is understood that assessment at the end of Key Stage 2 would be by means of proposed Pupil Profile.

The Trustees welcome under Article 10 the relaxation for the provision of school timetables for periods to be allocated to teaching during any key stage. This will give schools, teachers and pupils increased flexibility which should encourage and build a more motivating and enjoyable curriculum for young people.

Article 14, which is entitled Development Work and Experiment, should be re-worded to remove the pejorative term 'experiment'. The Trustees would suggest 'research' would be a better descriptor.

Article 18 – 22 Access to Courses; Pupils in Key Stage 4.

Clarity is required on the phrase "provide access" to at least a specified number of qualifying courses. Access to courses must be contingent upon the availability of resources to schools and we would contend that the efficient and effective use of resources in providing courses should be included in the article.

The Department's decision not to specify clearly the number of courses at Key Stage 4 and post-16 level is to be welcomed. It is hoped that the Department will, through regulations, specify a realistic number, and an appropriate timetable for the implementation of the full Entitlement Framework.

It is essential that the terms "applied" and "general" courses are defined clearly in Article 3 and a clear interpretation given to these words by this statutory instrument. The term 'general' is too all-

embracing and should be more clearly defined. If it is intended that the academic aspect of courses is predominant, then the word "academic" should be used.

In summary, the Trustees would be concerned that Articles 18-22, in giving a statutory basis for courses at Key Stage 4 and Post-16, provides a weak working infra-structure which lacks specificity in itself. The Trustees believe that the Entitlement Framework is, in essence, to be welcomed but would urge that adequate resources are made available and that in particular, consideration is given to the logistics of sharing arrangements for the provision of secondary education with other providers, particularly in the case of schools in rural areas. The role of the Education and Training Inspectorate in assessing courses that the institutions of further and higher education offer, should be clarified in legislation as should the teaching qualifications required by lecturers in FE and other institutions as described in Article 21 (1) (c).

PART 111 - Admissions

Article 28 – Admissions Criteria

The Trustees are in favour of informed parental election in their choice of the most suitable secondary school for their child. They have a number of concerns, however, regarding the Department's approach to admissions criteria and these are detailed below.

Article 28 (5) The Trustees agree that academic selection should not operate any longer. However, on the principle that information should follow pupils, they would wish to see the Pupil assessment at the end of Key Stage 2 (pupil profile) travelling with the parents and pupil to the secondary school in the interests of optimum outcomes for students. (cf. Article 24 (5) (c)). This information should not be used for decision-making purposes in the admissions process. It is also important that information on a pupil's achievement, probably in the form of the Pupil Profile, should follow a pupil from one school to another at any time of movement once the pupil has been accepted by the receiving school.

Under 28 (2) this article specifies the procedures to be followed by Boards of Governors in drawing up admissions criteria. In the case of controlled schools, the board responsible for the management of the school (FLB) may make representations to the Board of Governors; in the case of Catholic maintained schools, it is the Council for Catholic Maintained Schools (CCMS). No reference is made, however, to voluntary grammar schools, or to the legal 'owners' of these schools (the

Trustees) who, as the body with major responsibilities for the management of these schools, should make representations regarding admissions criteria to Boards of Governors. The Trustees consider that this omission should be addressed in the draft Order and that there should be consistency throughout in the matter of who should be involved in consultations. Indeed, the Trustees would greatly welcome some formal legal acknowledgement of their role in the life of schools.

28(6) The Trustees are concerned that the prescriptions of this paragraph suggest that there will be little or no room for choice or flexibility on the part of individual schools with regard to their admissions criteria, despite the Minister's statement (December 2005) in which she said:

“There will be a menu of criteria for schools to choose from. The menu will provide schools with some flexibility to take account of different circumstances ...”

pp 7-8 New Post Primary Arrangements.

There is a need to provide further details on how the ‘permitted criteria’ such as lottery can work to ensure that there is no inequality of treatment of pupils. Trustees would want to ensure that there is a detailed information strategy in place to provide parents with details as to how the use of ‘geographical’ criteria might be managed through regulations. It is important to ensure that distance from a school is managed through such processes as ‘catchment’ where every child will have equal rights to entry, particularly in rural areas. The purpose of the new arrangements is to increase choice – especially for those who currently have limited or negligible choice – and not to limit choice. However, the role of education in building sustainable communities must also be kept in view.

The regulations regarding admission Criteria must have as their objectives the promotion of fairness for all and transparency in how processes are implemented. This is important in terms of social justice.

There is also a deep concern that “permitted criteria” such as proximity to school, or lottery, may cause an inequality of treatment of pupils, particularly in rural areas of Northern Ireland. The result of this could lead to a sustained and successful equality appeal.

The Regulations regarding Admissions Criteria must have as their objective to ensure fairness for all. The use of geographical criteria risks having the opposite effect by:

(1) creating possibilities for postcode selection and social exclusion; and

(2) creating serious disadvantage for children and families living in rural areas.

This has major implications for social justice.

28(8) This paragraph states that the Department must involve Boards of Governors, 8(a), and “other bodies or persons as appear to the Department to be appropriate” 8(b) in consultation prior to making any regulations in relation to admissions criteria.

The Trustees consider that the Department should specifically name these “other bodies”, e.g. Trustees, as bodies having responsibility for the educational provision and ethos of their schools.

Article 29 - Exceptional circumstances

The Trustees endorse the need for regulations by the Department which will clearly define “exceptional circumstances”. They also welcome the proposal to set up a body whose function will be to adjudicate upon and determine the outcomes of applications on the grounds of “exceptional circumstances”. This has hitherto been an onerous task for Boards of Governors and one that many felt was beyond their fields of expertise.

The Trustees recommend that the Department, in setting up this “body”, will ensure that all relevant areas of specialisation and expertise necessary for the assessment of applications on the grounds of special circumstances will be reflected in the membership.

Article 30 – Suspension and Expulsion of Pupils.

While acknowledging the need for the revision of the arrangements by which pupils may be suspended or expelled from schools, the Trustees have serious concerns with the content of some of the Draft Order. The Board of Governors, as the body responsible for the overall management of the school, should reserve the right to be the body which suspends or expels pupils. It is accepted that a common scheme for suspension and expulsion should be applied in the interests of fairness and equality across all areas. Furthermore, it is accepted that all administrative decisions should include an appeals process. However, in the local context and given that the values, ethos and disciplinary code of the school are set by the Trustees and the Board of Governors, while the Principal is empowered to effect such, maximum discretion should be left to Board of Governors to make decisions about the suspension and expulsion of students.

In Article 30 (5) (b) the Board of Governors of all grant-aided schools should be consulted before revising a scheme under this article. It is incumbent upon the Department of Education to consult

with all schools in this important matter and not a sample, which could be seen to be partisan or indeed unrepresentative of the entire schools of Northern Ireland. Trustees should also be consulted in this regard.

Article 31 – Appeals against Expulsion

The Trustees agree that the right of appeal by parents against expulsion, to a centralised single body, should remain. Such a body should be put in place by the Department and staffed by educationalists, who have a clear understanding about the nature of school rules and regulations. *The principle of subsidiarity has been replaced by a highly centralised approach which is apparent throughout the Draft Order and, if implemented as it stands, the role of Governors will be diluted and weakened by this proposal.*

Article 32 - Appeal against Suspension

Trustees agree that a formal right of appeal against suspension should be introduced. However, in cases of a serious incident, it is necessary to permit the Principal, acting on behalf of the Board of Governors, to effect immediate removal (summary suspension) in the interests of the well-being of children and the rights of the wider student body, particularly in cases involving child protection, health and safety, physical attack or intimidation, or the abuse or handling of drugs. The Board of Governors should be informed immediately by the Principal of this course of action. The effectiveness of the summary suspension lies in its immediate implementation; it retains for the school principal an effective deterrent for pupils to behave in an orderly and acceptable manner. Removal (summary suspension) should be followed immediately by a formal investigation, followed by formal suspension to which there is the right of appeal.

Article 33 (4) – Education of suspended pupils

A full definition is required of “suitable education”.

Article 34-36 – The General Teaching Council for Northern Ireland

The Trustees agree with the arrangements to be put in place for the GTC and would wish to see the Council take responsibility for the criminal record checking process for all newly qualified teachers at their point of entry into the profession. This would be an important check in terms of child protection procedures and would be consistent with the remit of the General Teachers Council in setting standards for the teaching profession in Northern Ireland. It would also centralise such child protection vetting and provide a very important barrier to the possible circumvention to existing arrangements by potential child abusers.

Article 40 – Removal of Requirement for Annual Parents’ Meeting.

The Trustees welcome the removal of Article 126 of the 1989 Order, which requires the Board of Governors to hold their Annual Parents’ Meeting.

Finally the Trustees are of the view that the draft order has many implications for the Review of Public Administration and that where possible the legislation should seek to prepare the way for the implementation of new arrangements – in particular joint sharing of arrangements by Education and Library Boards.