
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: South Eastern Education and Library Board

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 SEELB is generally supportive of the duties and statutory requirements relating to the curriculum. The emphasis on the development of skills and capabilities for Life Long Learning is especially welcome.

The Board would however, offer comments on several of these Articles as detailed in section B.

(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 6

In relation to Numeracy, there appears to be a lack of consistency for the Foundation Stage and KSI & II. The contributory elements i.e. Number, shape and space, measure and data handling should be the same for each stage. The Board is also concerned that unlike trends in ROI, England and Wales, the importance of Science & Technology has been downgraded through its incorporation into "The World Around Us" in KSI & II. Members were also concerned that the importance of Science and Technology in the later Key Stages must not be lost.

Articles 8 & 9

The Board is of the view that assessment by reference to levels of progression should not be limited to only the cross-curricular skills. Furthermore the Board seeks clarification of what is meant by "other skills" and believes this should be stated explicitly in the order. While welcoming the flexibility offered by the new arrangements, the Board is of the opinion that the curriculum must none the less retain a sufficient degree of prescription to ensure that all young people acquire the skills they will need to lead successful lives in the 21st Century.

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 welcomes the flexibility which these Articles, especially Article 17 gives principals of schools to enable them to meet the specific needs of some pupils. The Board however, believes that regulations which the Department may make should be drafted in such a manner as to protect the rights of the child.

(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 17

The Board recognises the tremendous work done by Board of Governors and is concerned that an appeal to them by parents (para 8) against a principal's decision in respect of a temporary exception, may not be the most appropriate action. Board of Governors may not have the necessary curricular expertise to rule in such matters and staff representatives, who may have this expertise, would presumably not be allowed to participate in any such appeal. The Board would suggest that the creation of an independent appeals panel may be more appropriate.

The Board would suggest that the creation of an independent appeals panel may be more appropriate.

(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 SEELB is extremely supportive of equality of access for all pupils and would urge the Department to ensure adequate resources are made available to realise this goal. However, prior to the statutory implementation of an Entitlement Framework, the Board believes that a number of other related key issues must be addressed at a strategic level and that this must involve the full consultation and engagement of all relevant interests. These issues include:

- 1 . transport arrangements for pupils attending different locations to receive their entitlement
2. funding arrangements between sites/centres
3. admissions arrangements - will these be done individually or on behalf of (for example) a collegiate system?
4. specific issues relating to equality of access for rurally isolated pupils
5. quality assurance of provision made by a third party
6. consistency of practice and policy on issues such as attendance, child protection, discipline, SEN

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 this Article which remains largely unchanged from the 1989 Education Reform (Northern Ireland) Order but would again emphasise, especially in relation to the new curriculum, sufficient resources must be made available to the Board to effect its implementation.

(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:

Under para 2(a) the Board notes and welcomes the fact that further training will be provided for all teachers whether or not employed on the staff of a school.

The co-ordination of this within and between Boards is vital to achieve value for money and reduce unnecessary duplication.

The Board also believes that with appropriate resourcing, CASS support should be made available to all PEAG pre-school provision. Finally, the Board is of the view that CASS support to schools should be in line with the School Development Plan.

(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 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 the provision of information provided it does not identify individuals either directly or indirectly. Indirect identification is particularly important to consider for smaller schools where even aggregated data may enable specific individual pupils or member of staff to be identified.

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 is of the opinion that such complaints would be appropriately dealt with by a Curriculum Complaints Tribunal. As this tribunal is independent from the Board (i.e. it is not a Board Committee) for reasons of equity, consideration should be given to the remuneration of members in a similar manner to members of an Admissions Appeal Tribunal.

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:

'Agreed and no comment.'

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:

'Articles 27 - 29

While the Board accepts the need for change in the present transfer arrangements, it considers that revised admission arrangements must provide for a significant match between what a school offers and the aptitude and ability of pupils. The Board therefore rejects the wording in Article 28 of the Draft Order which expressly prohibits making any reference whatsoever to aptitude and ability in a school's admissions criteria.

(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

The Board believes that any changes in admissions criteria/arrangements must be provided with a clear explanation of what a school would do in the event of it being oversubscribed.

The Board is deeply concerned that "permitted criteria" such as proximity to school, may cause an inequality of treatment of pupils.

Article 29

In welcoming the fact that there will be permission within admission arrangements to give special consideration to pupils with exceptional circumstances, the Board would seek clarification on the following points:

1. in para 16A(1) does the right to apply for consideration under exceptional circumstances apply only to compulsory school age pupils or will it be extended to include years 13 & 14 and Further Education Colleges?
2. will there be a right of appeal against the decision of the Central Body and if so, how and by whom?
3. should the body direct a school to admit a child, is the child "supernumerary"? if so, this could have significant implications for PTRs especially in practical classes and for funding as no finance is provided through the current LMS for supernumerary pupils.

However, the Board is of the view that there must be a degree of correlation between a pupil's ability and aptitude and the specialisms offered by a post-primary school.

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 supports Articles 30 and 31 as these would ensure equality of treatment across all sectors within education.

In the interests of consistency, the Board believes that the membership of the expulsion panel should be specified and should contain representatives from each sector and that adequate resources must be provided for its functioning.

The Board also supports Article 33 which emphasises the primary role that schools must play in the education of a suspended pupil.

(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:

In regard to Article 32, Appeal Against Suspension, the SEELB does not agree that a formal right of appeal against a suspension should be introduced.

The effectiveness of suspension lies in its immediate implementation and if this is to be retained, any appeal against suspension would be retrospective. Also given the current number of suspensions the potential for a large number of appeals, the attendant bureaucracy and additional cost would, in the Board's view, neither be justifiable nor represent best value for money.

(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

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:

'Articles 34-36

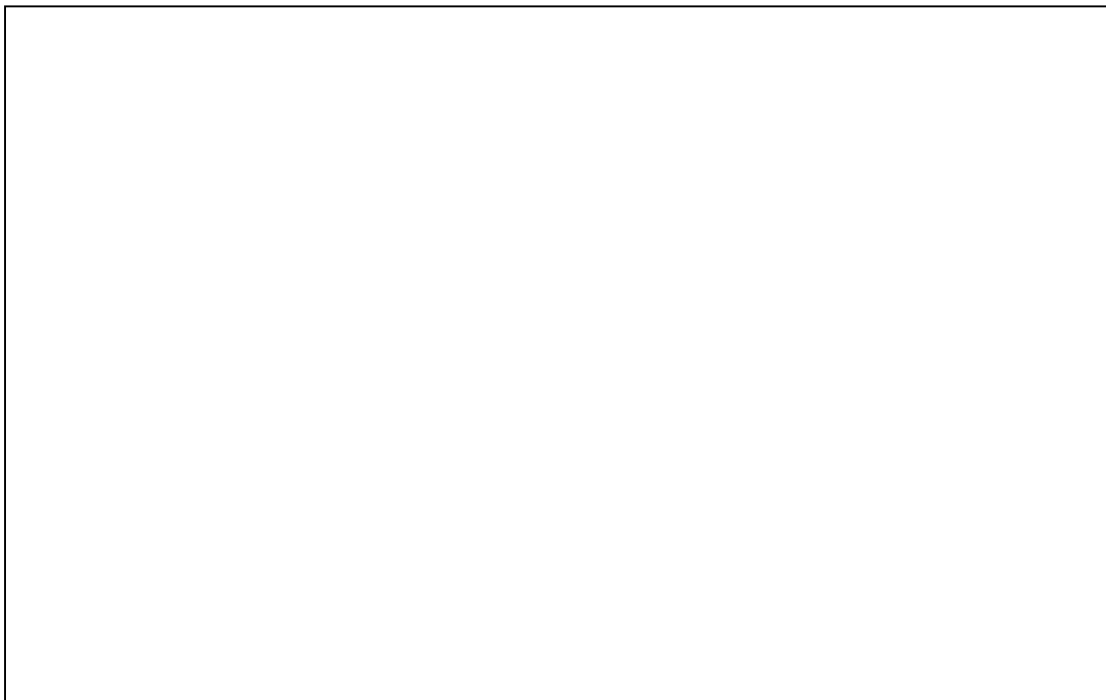
The SEELB supports the proposed requirement for professional registration of teachers and the proposed roles and responsibilities detailed for the General Teaching Council for Northern Ireland.

(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:

'Articles 34-36

The SEELB is of the view that no teacher should be registered until they have been vetted in accordance with child protection issues. In effect vetting becomes a pre-requisite for registration and a responsibility for the General Teaching Council. Also vetting should be re-done on a regular basis of 3/5 years.

(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:

'Articles 37-39

No comment.

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:

No comment

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 welcomes the removal of Article 126 of the 1989 Order.

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:

'Articles 42 and 43

No comment.