

## **SOUTHERN EDUCATION & LIBRARY BOARD**

### **CONSULTATION ON PROPOSAL FOR A DRAFT EDUCATION (NORTHERN IRELAND) ORDER**

#### **General Comments:**

There remains considerable concern about many aspects of the proposals. The following is a summary of the issues:-

1. The introduction of new and additional legislation affecting Education at a time when there is already an extensive programme of reorganisation of Education (and other public services) planned.
2. The continuing concern about the perceived lack of adequate funding for Education.
3. The introduction of an extensive programme under the “Entitled to Succeed” developments and the consequential implications for the management of Educational Services.
4. The Southern Education & Library Board is particularly concerned that:-
  - (a) the future of the Craigavon system of Post-Primary Education will be protected under the proposals and feel very strongly that insufficient discussion has taken place relating to the strength of a system which allows ‘selection delay’ until 13/14 years for young people;
  - (b) there should be protection built into the proposals to ensure that a network of rural schools will be maintained in Northern Ireland and that the proposals to do with pupil admissions will not dwell on Post Codes or distance from school.
5. There are many who strongly believe that parents’ views to date have been ignored. This leads to the concern that a “solution” is being proposed which does not have the consent of the majority of the population of Northern Ireland.
6. The Board is concerned that no consideration has been given to the impact the proposals will have on future admissions to Further and Higher Education.

## **Specific Comments on the Proposed Legislation:**

1. It is recognised that by definition legislation is complex with some aspects only becoming clear as the result of decisions in the Courts. However, it is unsatisfactory that aspects should be left to the Department as enabling legislation as this raises concerns about detail and about timescales.
2. While many parents and others support the abolition of the 11+ Transfer Tests, significant numbers have grave concerns that the abilities and aptitudes of children will be totally ignored at a major decision point in their educational development.

Many parents continue to argue in favour of some form of selection based on the pupil's aptitude and many believe that the current Transfer Tests could have been replaced by other more suitable forms of assessment.

Before introducing the legislation the SELB considers that it would be reasonable to have trialled alternative arrangements (already the Craigavon system is tried and tested) and as a result allay many of the fears which schools and parents have in relation to what the final arrangements are going to be.

3. There is considerable concern about pupil profiles and so called parental choice. The Department of Education has not provided sufficient information on the structure, content and use of pupil profiles to allay many of the fears currently held by schools and parents.
4. Suspensions and expulsions of pupils from schools have been difficult issues for schools and managing authorities. A single expelling agency is generally welcomed. However, an appeals process against the suspension of pupils is considered unnecessary and is unworkable within a reasonable timescale.
5. The removal of the requirement on schools to hold an Annual Parents Meeting is generally welcomed.

3 March 2006  
WB/JC

**COPIES OF THIS RESPONSE BOOKLET WILL BE MADE AVAILABLE IN DIFFERENT FORMATS UPON REQUEST. CONTACT DETAILS ARE GIVEN ON PAGE 4 .**

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Consultation on Proposal for a draft Education  
(Northern Ireland) Order

**RESPONSE BOOKLET**

December 2005

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**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 (To be completed by all respondents)**

Name: Mrs H McClenaghan

Name of Organisation (if applicable): Southern Education & Library Board

Address: 3 Charlemont Place, The Mall

Town/City: Armagh

Post Code: BT61 9AX

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## **ACKNOWLEDGEMENT**

Your response to the consultation on the Proposal for a draft Education (Northern Ireland) Order has been received by the Department of Education.

If you have any queries with regard to this acknowledgement slip please contact the Department on 02891279296.

## Consultation on Proposal for a draft Education (NI) Order

### **SECTION 2** (*To be completed if you are making an individual response*)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Town/City: \_\_\_\_\_

Post Code: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### **SECTION 3** (*To be completed if you are responding on behalf of an organisation*)

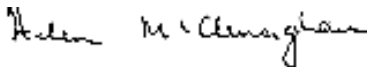
Name: Mrs H McClenaghan

Position in Organisation: Chief Executive

Name of Organisation: Southern Education & Library Board

Address of Organisation: 3 Charlemont Place, The Mall, Armagh

Post Code: BT61 9AX

Signature:  Date: 7/3/06

**PLEASE ensure that you have completed SECTIONS 1 and 2 or SECTIONS 1 and 3 above before continuing.**

It is important that you write clearly and legibly. We would ask you to use black pen and **BLOCK CAPITALS** at all times.

## **Your opportunity to give your views**

The Department of Education is consulting on the provisions contained in Parts II and III of Proposal for a draft Education (Northern Ireland) Order which is designed to give effect to Government policy. The proposed Order includes:

- revisions to the Northern Ireland Curriculum and its associated assessment arrangements;
- the introduction of a curricular Entitlement Framework, which will provide access to a wider range of general and applied courses for pupils in Key Stage 4 and those over compulsory school age;
- the abolition of academic selection, and powers to enable the Department to make regulations about the admissions criteria for post-primary schools;
- new arrangements for the suspension and expulsion of pupils;
- changes to the responsibilities of the General Teaching Council;
- changes relating to members of the Governing Bodies of further education institutions;
- powers for the Department of Agriculture and Rural Development to charge fees for courses of education or instruction it provides; and
- a number of other minor and consequential amendments to current education law.

This public consultation gives you an opportunity to comment on the draft Order. You may find it helpful to use this response booklet. Once completed, please send your responses to Post Primary Support Team, Department of Education, Rathgael House, Bangor, BT19 7PR. Responses should be sent to arrive no later than **Tuesday, 7 March 2006**. A **FREEPOST** envelope has been provided.

Alternatively, you may submit your response before the deadline via the secure online form, which can be found at [www.deni.gov.uk](http://www.deni.gov.uk).

We will acknowledge your response, but will not be able to reply to any points you raise. A copy of the responses from key organisations will be placed on the Department's website and we will publish a summary of responses following the completion of the consultation process.

If you would prefer your response to be treated as confidential information, please complete section 4 below, **clearly stating your reasons for non-disclosure**. If the Department of Education is asked to disclose responses under the Freedom of Information Act 2000, we will take into account any request for confidentiality. Confidentiality cannot, however, be guaranteed.

The Department of Education will handle the personal data you provide in accordance with the Data Protection Act 1998.

For further information about confidentiality of responses, please contact the Information Commissioner's Office:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

By phone: 01625 545 745

or see the website at [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk)

Please contact the Department if you require the Response Booklet or Explanatory Memorandum in other formats:

By phone:	02891279296	By writing to:	Post Primary Support Team Room 6.02 Department of Education Rathgael House Balloo Road Bangor BT19 7PR
By fax:	02891279710		
By email:	<a href="mailto:ppst@deni.gov.uk">ppst@deni.gov.uk</a>		

**SECTION 4 (To be completed if you wish your response to be treated as confidential)**

Reasons for non-disclosure:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

# **Proposal for a draft Education (Northern Ireland) Order**

## **How to use this booklet**

This response booklet has been provided as a practical tool to help you respond to the consultation on the Proposal for a draft Education (Northern Ireland) Order. It is important that it is read and used in conjunction with the Proposal for a draft Order and the Explanatory Memorandum.

Where appropriate, provisions have been grouped together to provide a more meaningful description of their purpose.

Please complete the relevant boxes where you wish to comment. If extra space is required for your response you should use a continuation page. For each question requiring additional comment, a separate continuation page should be used.

## **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.

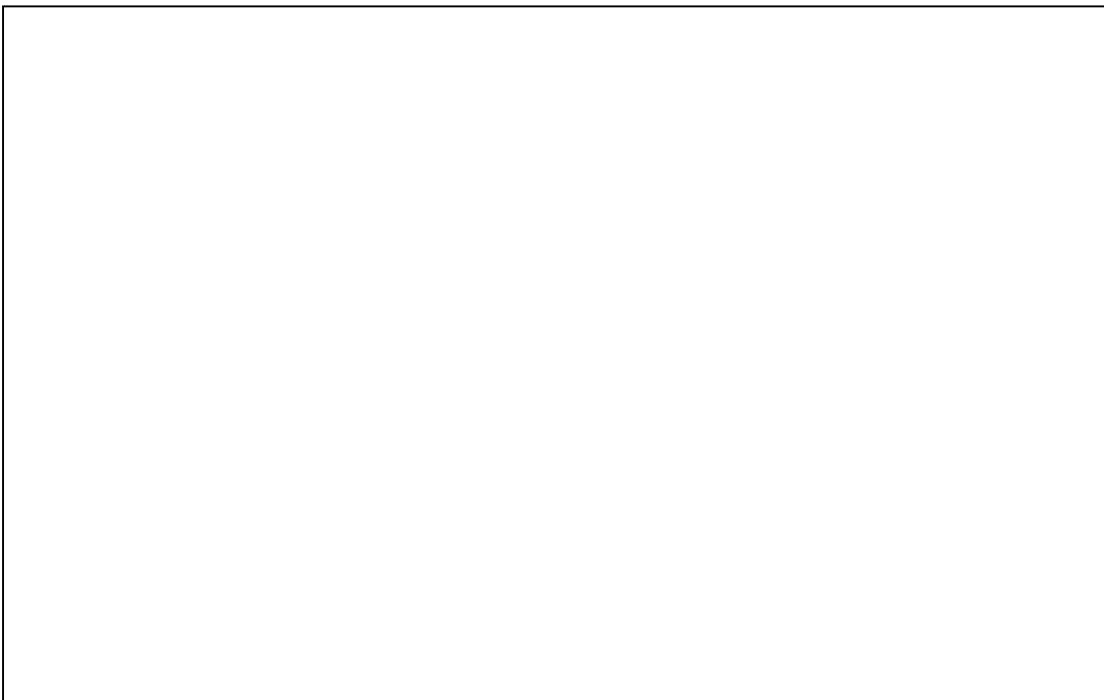
**(A)** If you support what these Articles are designed to do, please say why:

Generally the SELB supports the Articles. The importance of a relevant curriculum to be followed by all young people cannot be overstated. It is, however, important that schools have flexibility in how the curriculum is delivered. Teachers will require significant in-service training in order to deliver the 'new' curriculum and resources need to be made available to support this.

**(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**


### ***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.

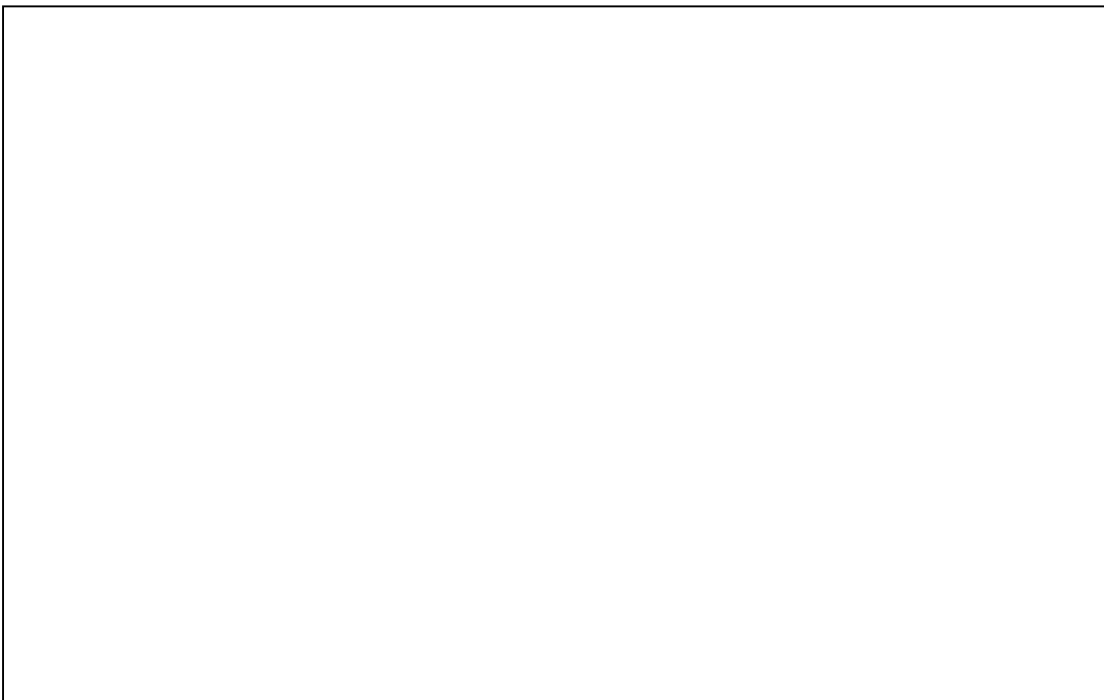
**(A)** If you support what these Articles are designed to do, please say why:

These Articles are welcomed but have failed to fully clarify the arrangements for pupils with Statements of Special Educational Needs and temporary exemptions for some pupils. It would have been helpful if further information had been given on the Regulations which the Department will bring forward.

**(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:

Generally the Articles are welcomed. However, further information is required on what constitutes 'a course' and what is meant by 'applied'. Collaborative arrangements will need to be developed and appropriate funding mechanisms agreed.

**(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 18(d) should be rewritten so as to allow Irish to be included as an official language of the European Community. Irish is only excluded in Irish Speaking Schools (Schedule 1, Part III, Page 30).

**(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:

Consideration needs to be given to the effect the Entitlement Framework will have on access to courses for old pupils particularly to Further Education Colleges.

## **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:

**(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 the view that this Article is not necessary and in any case will be replaced when the new Single Authority is implemented.

## **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.

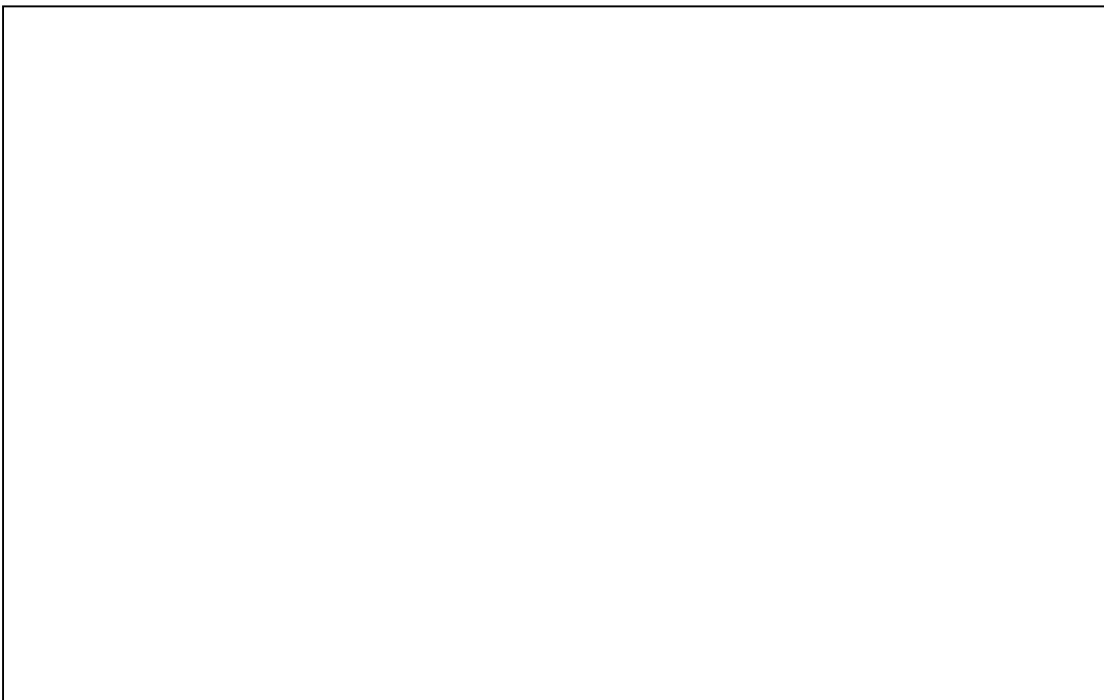
**(A)** If you support what this Article is designed to do, please say why:

No comment.

**(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.

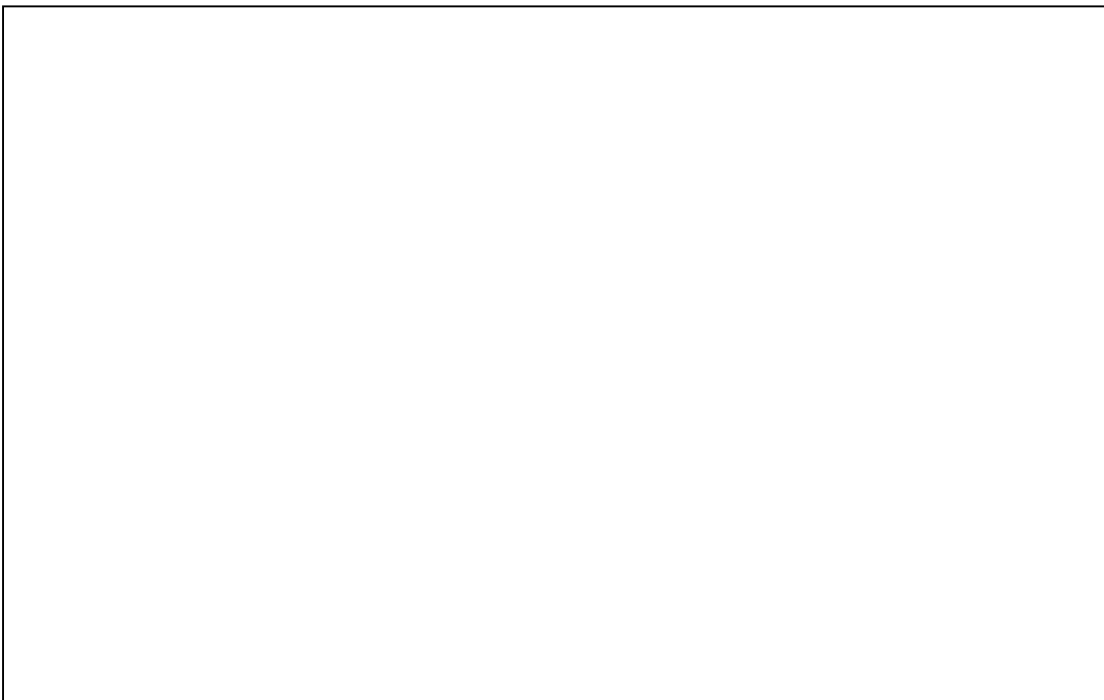
**(A)** If you support what this Article is designed to do, please say why:

While generally the Board supports the Article and currently a complaints mechanism exists it is however likely that the requirements of the Entitlement Framework will lead to an increase in complaints. As a Complaints Tribunal is independent of the ELB, payment/allowances for Tribunal members will need to be considered.

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

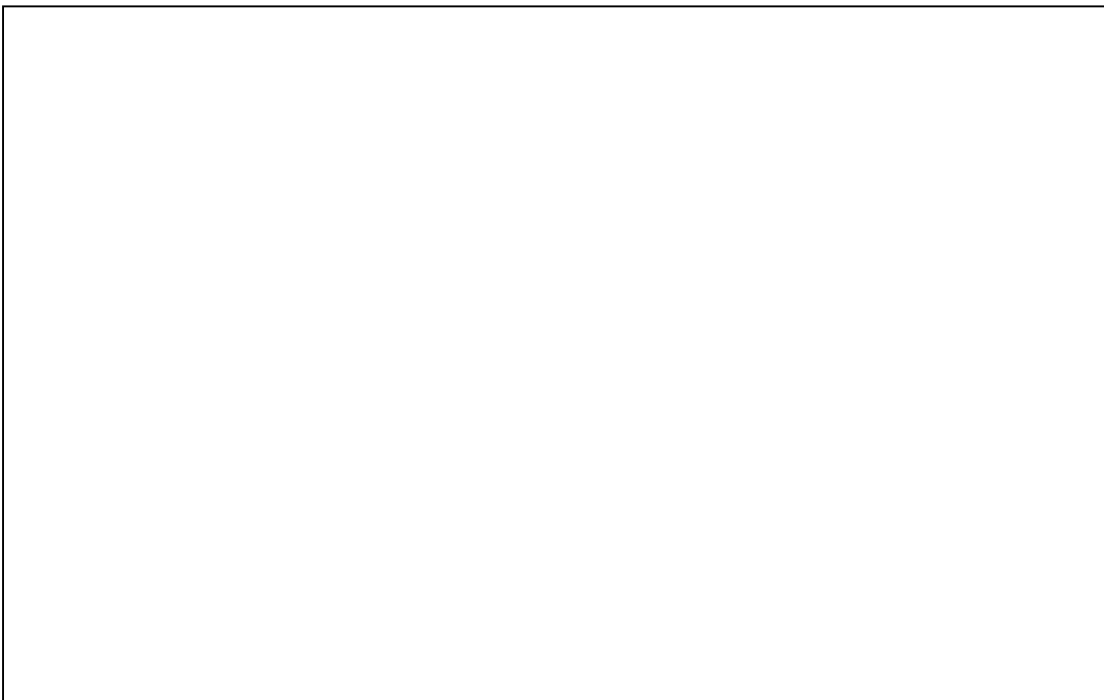
**(A)** If you support what this Article is designed to do, please say why:

<p>Agree with the Article.</p>
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**(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:

**(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:

There remains concern about the admissions arrangements to Post-Primary Schools. While the Board generally supports the removal of the 11+ Transfer Tests, no alternative arrangements which are universally acceptable have been promoted. If non-academic selection is implemented parents, schools and all other parties involved in the admissions process must be clear about the arrangements otherwise there will be endless appeals. Proper consideration of the issue of Admissions Criteria is limited by the lack of clarity in the proposed legislation. What combinations of 'permitted criteria' will be allowed for example. Exceptional circumstances remains a difficult area for schools and even the admission of a small number of pupils admitted under this heading could have implications for class sizes and the arrangement of practical classes.

The Board is concerned that little cognisance seems to have been taken of a tried and tested two-tier system of Post-Primary Education in the Craigavon Area where selection is delayed until age 14 and when a young person's aptitude and ability are well developed and recorded.

**(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:

The Board believes that pupils should attend the school best suited to their needs and is opposed to any system of education which would advantage those families who can afford either to "pay" or to "locate" close to so called popular schools.

The Board can not support the amendment to Article 16(5) of the 1997 Order to Article 28 until more acceptable admission criteria to Post-Primary Education have been devised and tested.

## **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 welcomes the proposal to have a single scheme and one single expelling authority as this should lead to greater consistency and equity of treatment for all pupils across all schools.

Article 30 does not provide for the membership of the expelling authority. It is expected that membership will have to provide for all interested parties eg ELB's, CCMS, NICIE, VGA.

The Board supports the need for a dedicated appeals panel.

**(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 does not believe that the proposals for a formal right of appeal against suspension is practical. There are resource implications and timescales which may create a bureaucratic nightmare and not support the quick return of pupils to school. Such proposals also appear to undermine the authority of Principals of schools.

**(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.

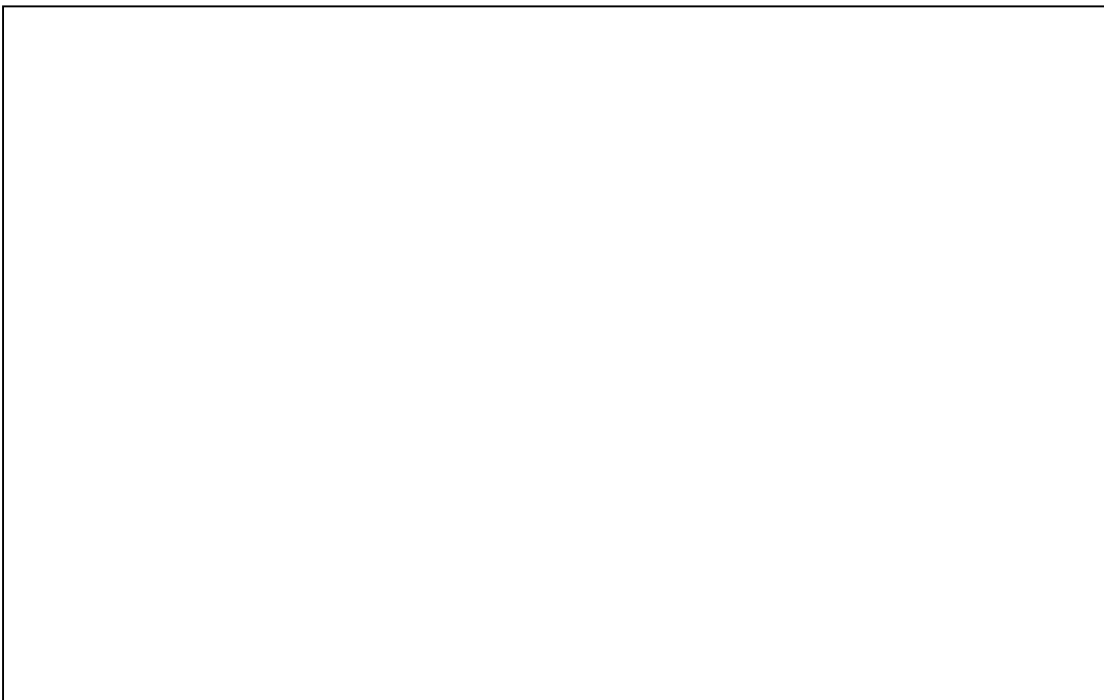
**(A)** If you support what these Articles are designed to do, please say why:

The Board supports the proposals and believes that they can lead to effective arrangements for the proper registration of all teachers.

**(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.

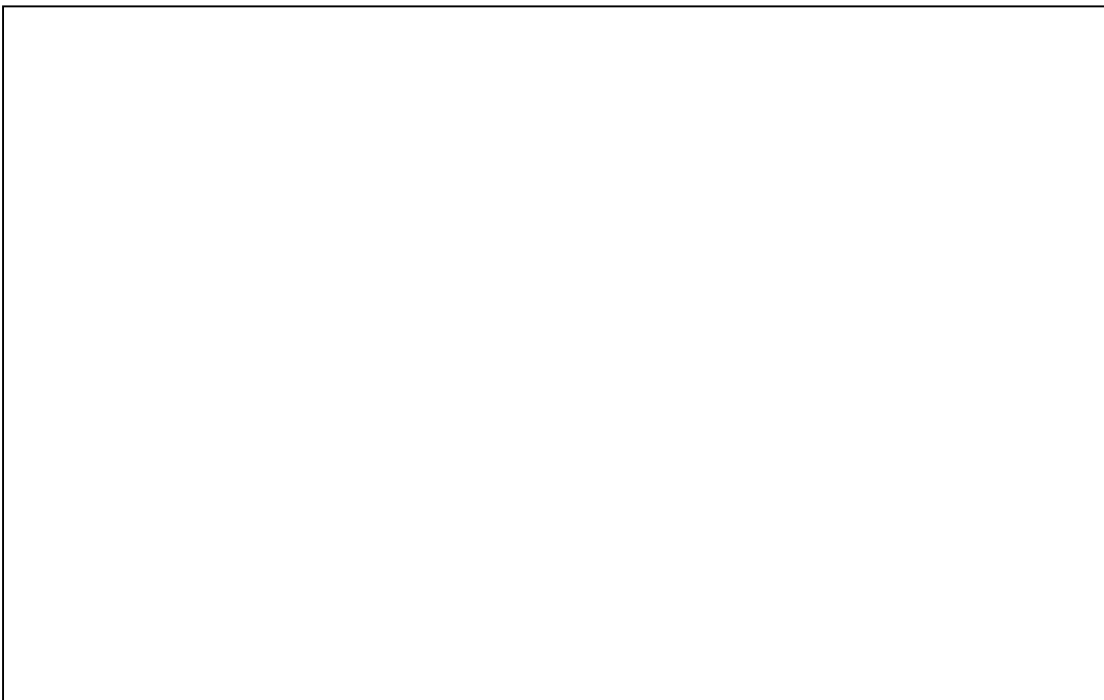
**(A)** If you support what these Articles are designed to do, please say why:

No comment.

**(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


### *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).

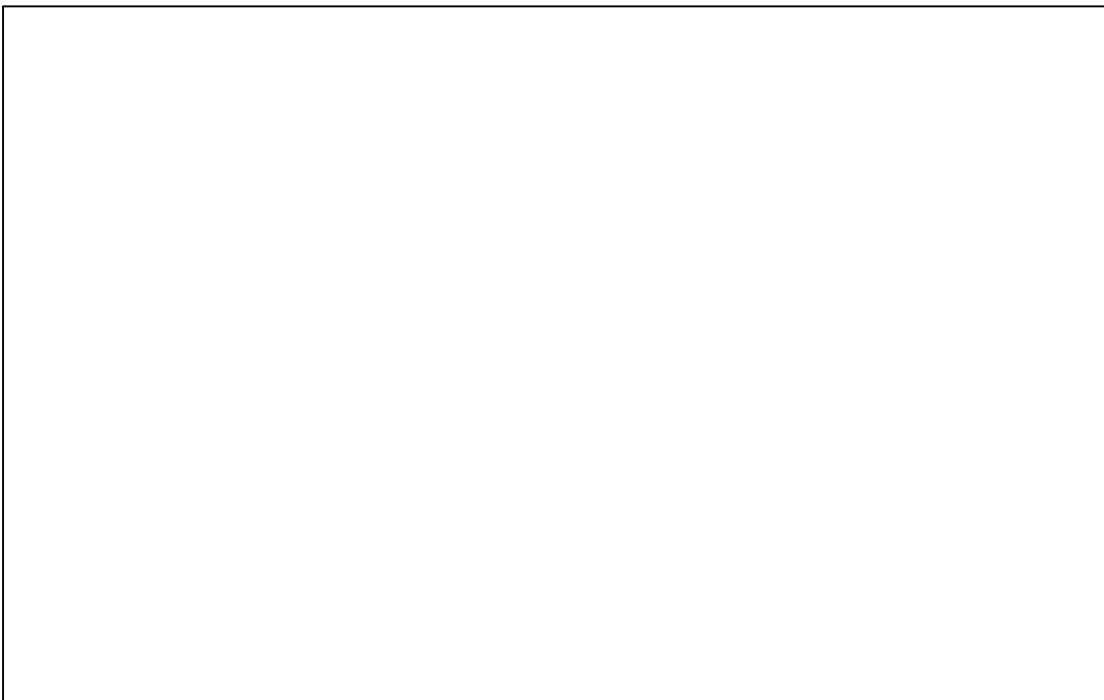
**(A)** If you support what this Article is designed to do, please say why:

The Board supports the new arrangements under Article 39 and believes that these are consistent with the objectives of the revised curriculum.

**(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.

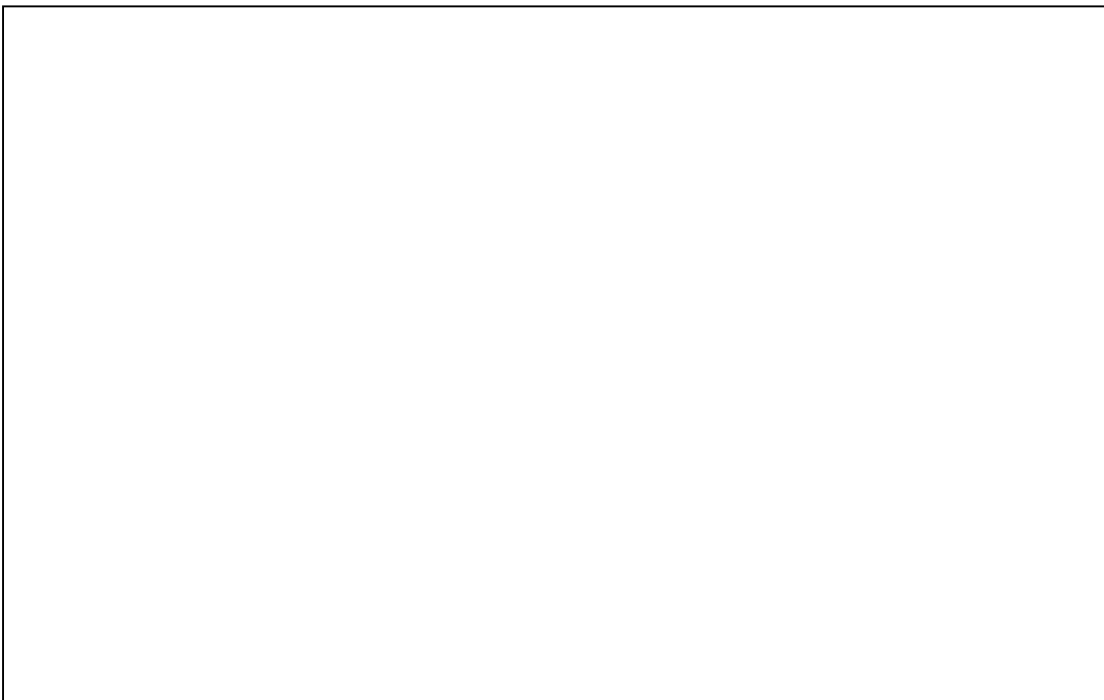
**(A)** If you support what this Article is designed to do, please say why:

The Board is aware that the requirement on schools to hold an Annual Parents Meeting has never succeeded and welcomes the abolition of this requirement.

**(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:

No comment.

**(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 as they are consistent with the proposals of the Order generally and are necessary in order to clarify roles and responsibilities.

**(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:

