

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

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.

.....

SECTION 1 (To be completed by all respondents)

Name: Revd IW Ellis

Name of Organisation (if applicable): **Transferor Representatives' Council**

Address: Church of Ireland House, 61-67 Donegall St

Town/City: Belfast

Post Code: BT1 2QH

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: _____ Revd IW Ellis

Position in Organisation: _____ Hon Secretary

Name of Organisation: _____ Transferor Representatives' Council

Address of Organisation: _____ Church of Ireland, 61-67 Donegall St, Belfast

Post Code: _____ BT1 2QH

Signature: _____ I W Ellis Date: _____ 07/03/06

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.

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

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: ppst@deni.gov.uk	

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

Reasons for non-disclosure:

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:

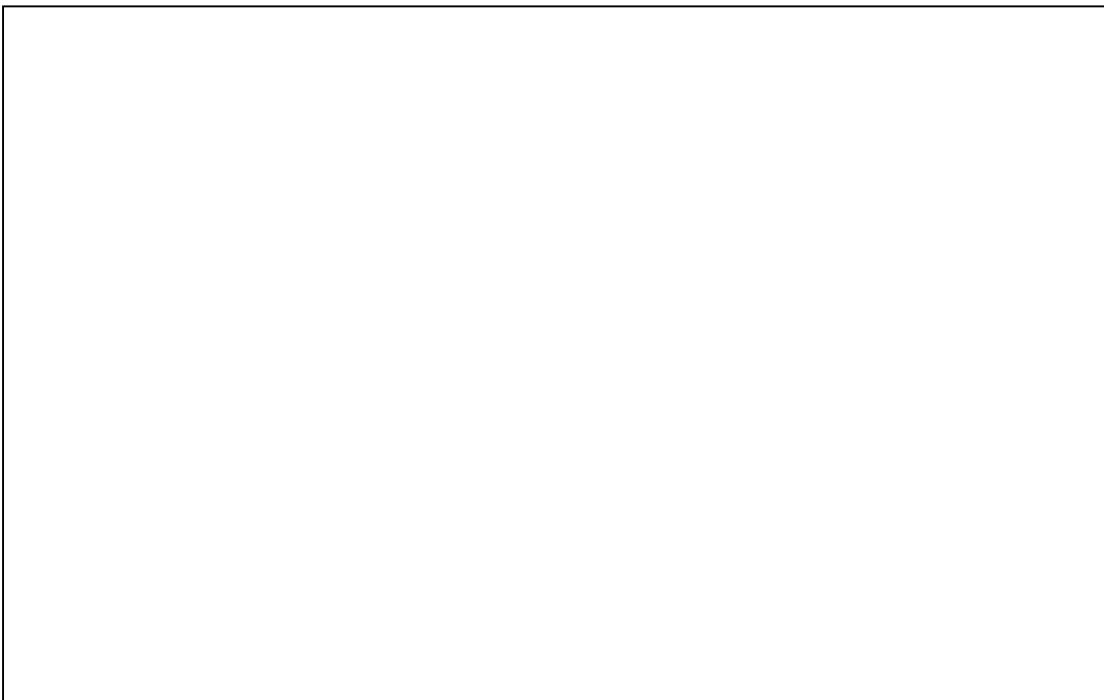
There are many aspects of the review of the NI curriculum of which we approve. We endorse the new emphasis on a range of skills and capabilities and the direction towards more coherence and relevance in the curriculum. We believe that teachers will welcome the reduction of prescribed content and the new emphasis on flexibility.

We welcome the new area of Learning for Life and Work and believe that it should help prepare children to become well rounded, responsible and fully integrated citizens of the future. We support the introduction of Citizenship and believe that Religious Education has a very significant contribution to make to the promotion of this element of learning.

(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.

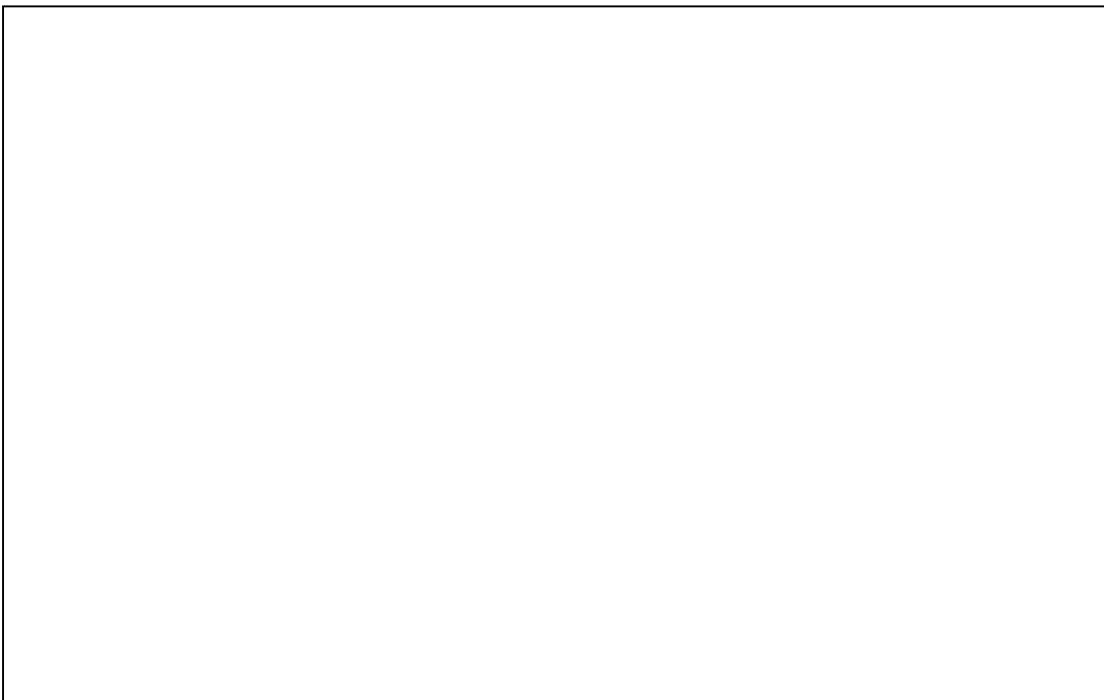
(A) If you support what these Articles are designed to do, please say why:

No comment as it re-enacts 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:

We support the proposed curriculum changes. The world of work in the coming decades will require pupils to acquire a wider range of skills and qualifications than hitherto.

(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:

For many careers, academic rigour is essential, and this aspect of the proposals has not been adequately addressed. We believe that the minister has failed to convince many parents and teachers that an academic pathway will remain, and as a result there is deep unease in the community that our schools' current high academic standards will not be maintained in the new arrangements. A particular issue highlighted for us by teachers is the need to ensure progression to appropriate academic content and knowledge.

The competitive nature of schools in an open enrolment situation where budgets are 'numbers driven' militates against imaginative cooperation in providing the 'Entitlement Framework'.

(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 definitions of 'General' and 'Applied' are in our view too loose and require clearer definition

We believe also that it would be contrary to the vision of the proposals if schools were permitted to make arrangements for cooperation which only included partnerships within their own sector. One of the strengths of the proposals is the potential for promoting good community relations by sharing access to courses across school sectors.

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.

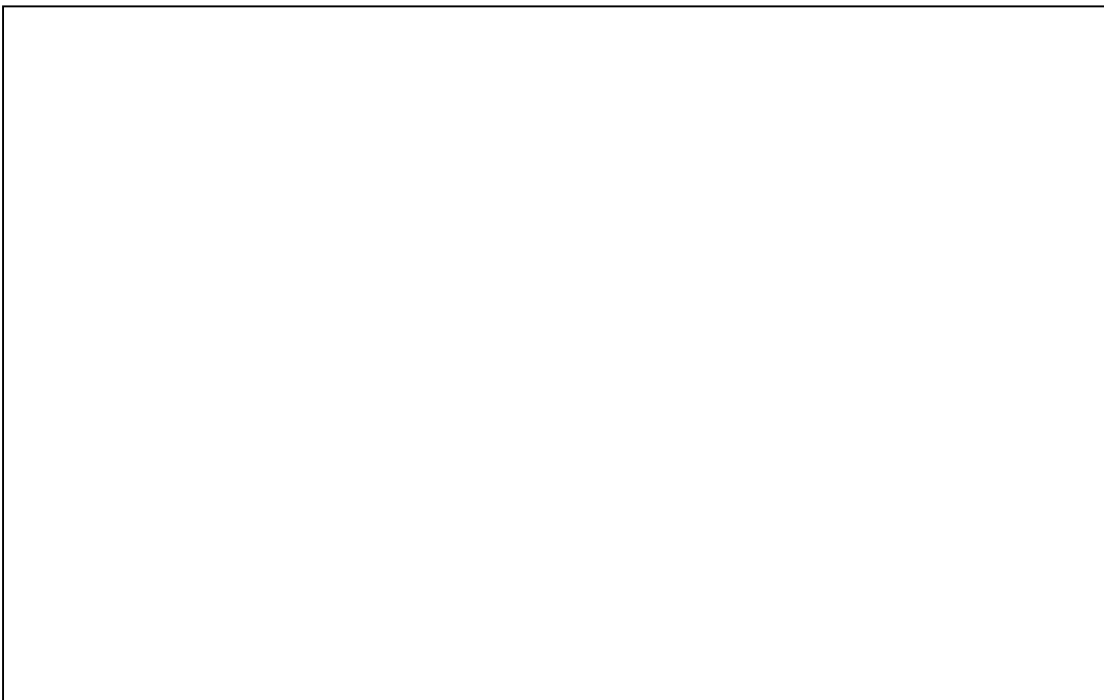
(A) If you support what this Article is designed to do, please say why:

We question how this will be delivered after the Review of Public Administration removes the local expertise of Education and Library Boards.

(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:

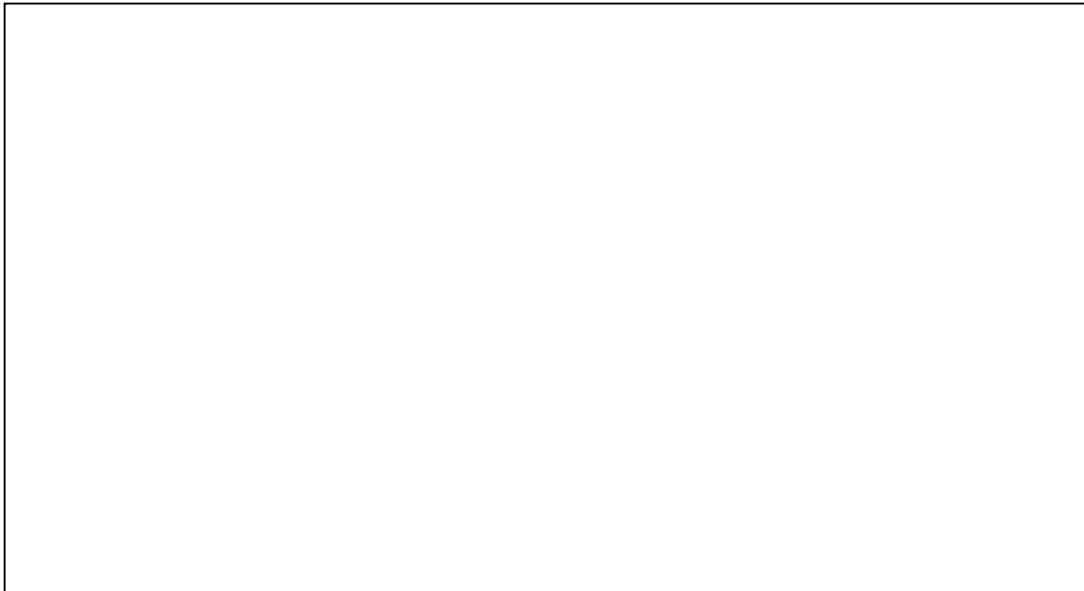


PART II – THE CURRICULUM

Miscellaneous and Supplementary

Article 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:



(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:

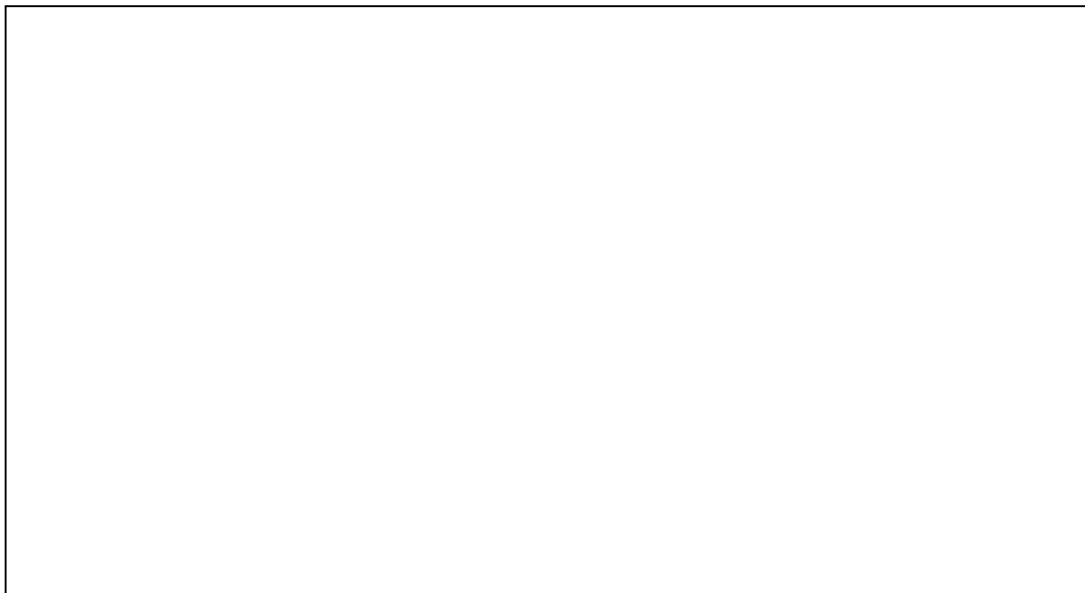
We understand from a parental rights point of view that parents may not wish to share details of their child’s performance with the receiving school. However, we believe that parents should be strongly urged to seek as much advice and information as possible and encouraged to have open conversations with the post-primary senior staff.

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:



(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:

Although this is a re-enactment of previous legislation with amendments, we foresee a significant increase in disputes regarding admissions. As the details of the menu of admissions criteria are not available until regulations are written, it is difficult to judge how these will work in practice. In over subscribed schools there is likely to be more frequent application of tie breaker criteria. Disputes about distance calculation, post-codes, and trueness of any random order will become more common. It is essential that stronger governor legal advice and support mechanisms are put in place.

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.

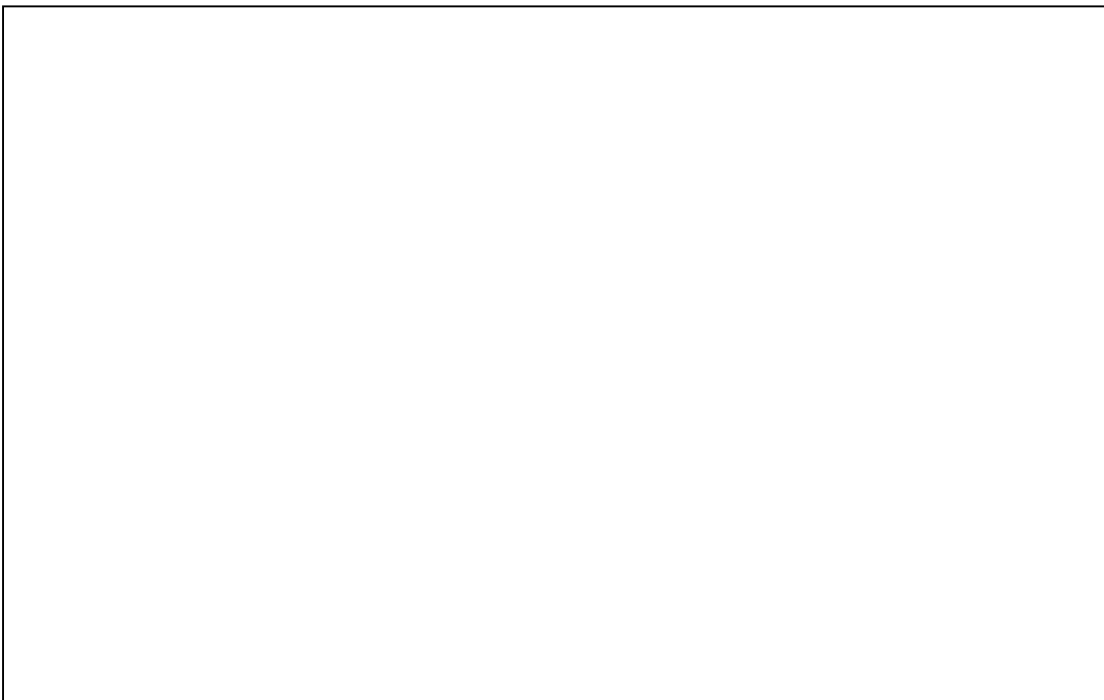
(A) If you support what this Article is designed to do, please say why:

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

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:

We support the removal of the transfer test, but have some concerns about how the new proposals will work in practice. The transfer test has been too blunt an instrument to determine a child's abilities and aptitudes and one which has deepened social divisions.

The principle of informed parental choice is one which potentially offers an equitable and child-focussed approach to finding the most appropriate educational pathway. We recognise the need for an educational system that is flexible and adaptable keeping options open for as long as possible, and not determining a child's future at age 11. Pupils' abilities and aptitudes develop at different rates, so it is essential to have a continuous process of adaptability within the system.

The Church of Ireland and the Presbyterian and Methodist Churches, through the TRC believe they must consider the needs of all pupils within our education system and attempt to give a balanced response to the vision and principles of these proposals.

We take cognisance of the support of many academics and educational professionals for the proposals. We have also however listened carefully to the views of others who support academic selection and fear a lowering of standards, and to parents who are unconvinced that the proposals will make a positive difference in the provision of post-primary education. We appreciate these concerns and urge that the minister address the misgivings and lack of public confidence

We agree that special cases must be monitored and determined by a body other than the school.

(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 TRC is concerned that the expectation of parental choice promised in these proposals may not be fulfilled because for many parents that freedom of choice will be constrained by locality.

We are particularly concerned that the proposed admissions criteria may discriminate against pupils in rural communities who live considerable distances from post-primary schools. Further consideration needs to be given to the impact of the proposals upon present transport entitlements.

We would like to see a renewed emphasis on one of the stated aims in the advice remit for the Post-primary Review Working Group namely: 'the development of local arrangements that meet local needs, wishes and circumstances'. This would reflect the diversity of provision already in the system and the need for co-operation across sectors.

(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:

We wish to be consulted concerning the number, nature and sequence of admissions criteria before making any further comment on the suitability of this aspect of the legislation. It is essential that these proposals are consulted upon soon.

There is a pressing need for effective, fair and transparent criteria in relation to feeder primary schools.

It is regrettable that at present there are no researched estimates available of the likely extent of oversubscription in popular schools.

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.

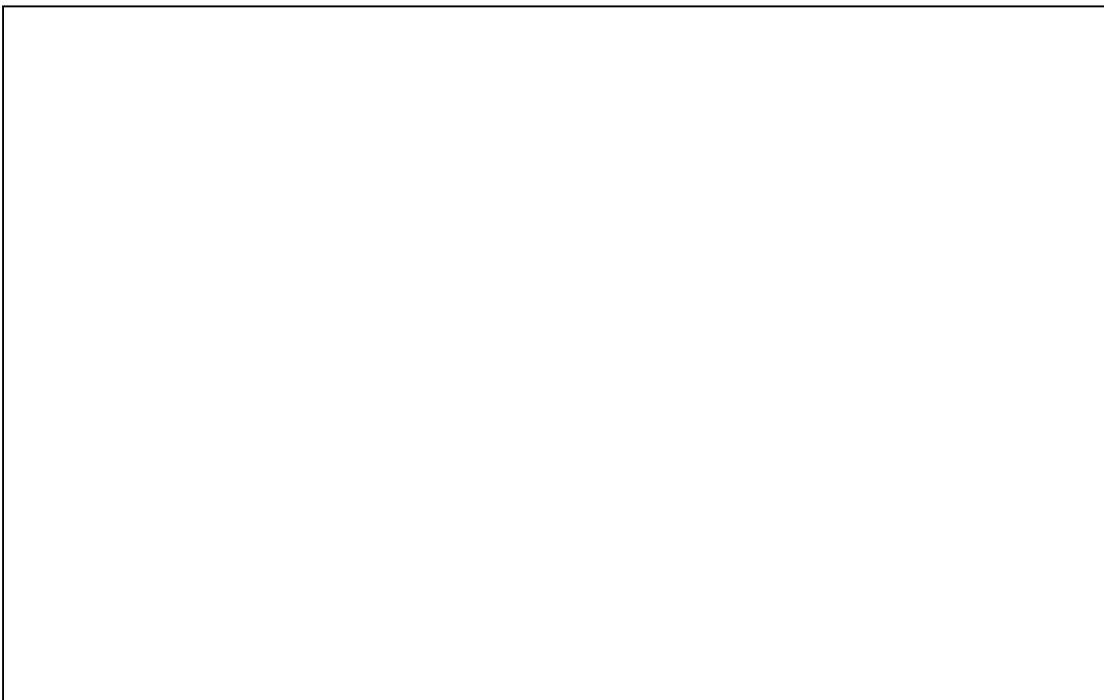
(A) If you support what these Articles are designed to do, please say why:

There is a need for consistency across all schools and school sectors in these measures. Although it may seem best for consistency that the ELB is the expelling authority for all grant aided schools, we have concerns that schools will be disempowered, and an extra level of administration created. Whatever system is implemented there must be a swift and effective appeals system in place.

(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


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.

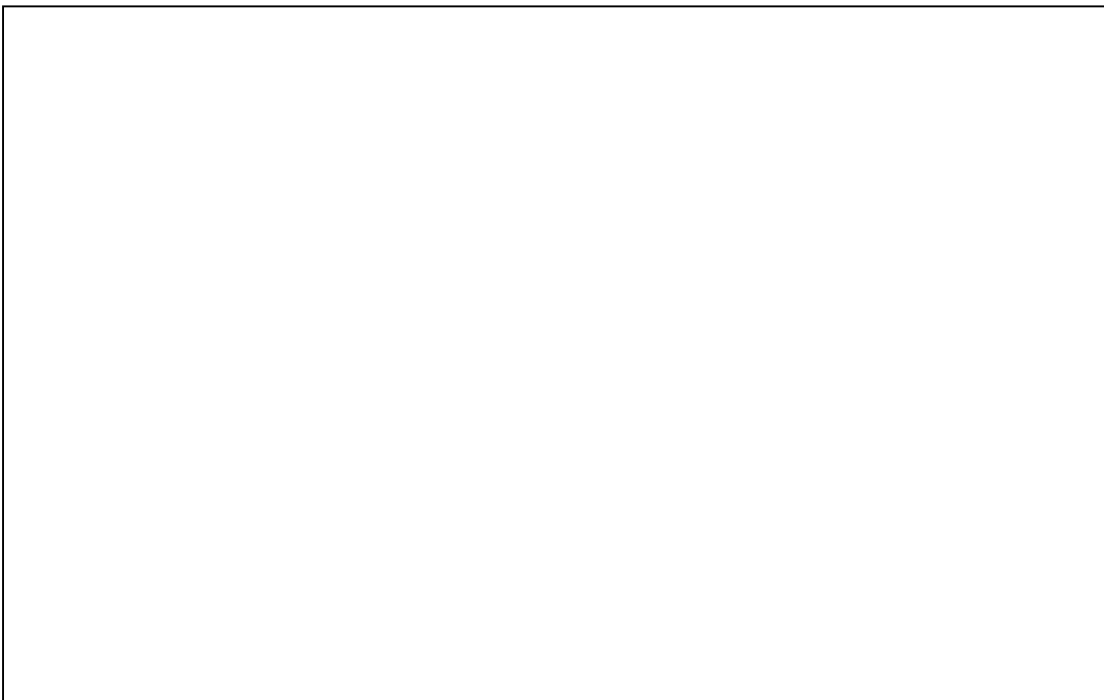
(A) If you support what these Articles are designed to do, please say why:

We support the principles of regulation of teachers by the GTC

(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.

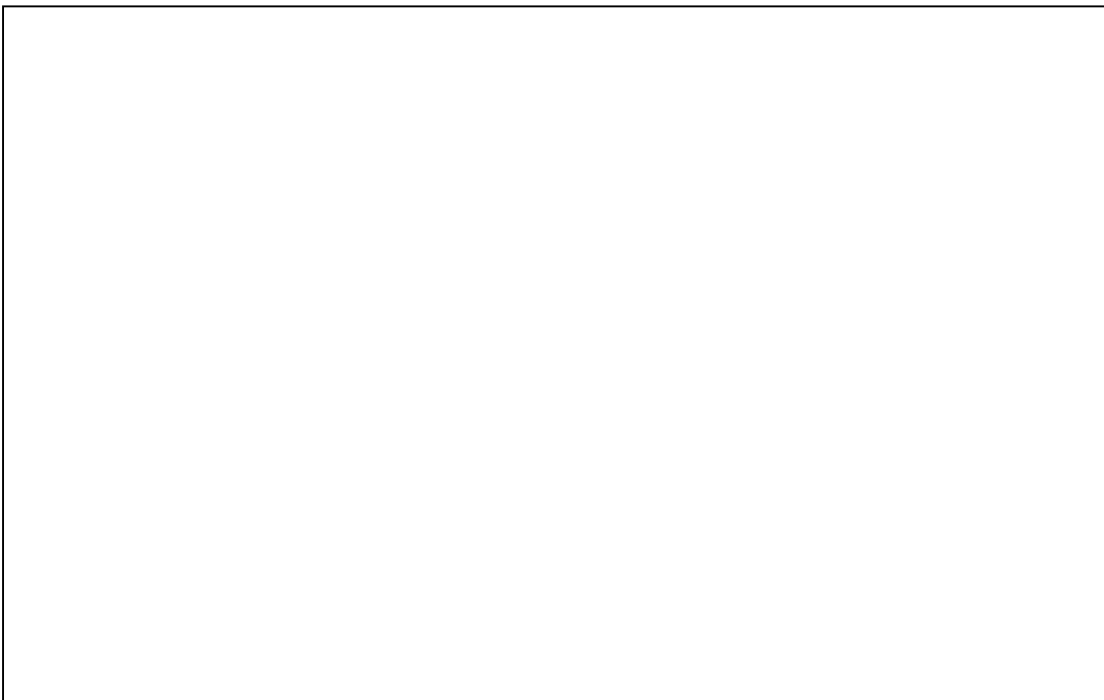
(A) If you support what these Articles are designed to do, please say why:

We support the proposals

(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:

We support the Article, however early detection of Special Educational Needs is essential in order that appropriate provision may be made.

(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 TRC strongly supports the removal of this requirement. For most schools the annual parents' meeting was an empty exercise. More imaginative and effective methods of enabling parents to express their views and concerns must be employed.

(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.

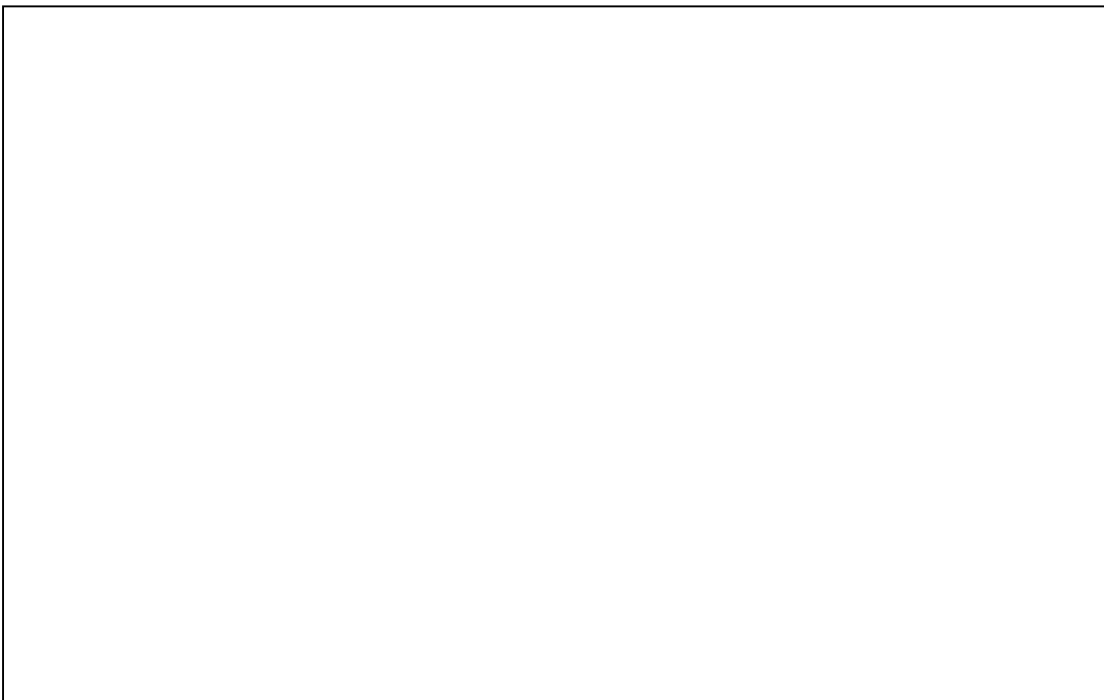
(A) If you support what this Article is designed to do, please say why:

We support the proposals

(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:

We support these articles.

(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:

There is a need to clarify the linkage between enrolment and funding, where a pupil may be enrolled at one school but spend the majority of his/her time at another school or college. In addition, the responsibility of schools for the pastoral care of pupils, while attending other institutions, needs much greater clarification.