

WESTERN EDUCATION AND LIBRARY BOARD

RESPONSE TO THE DRAFT EDUCATION (NI) ORDER 2006

ARTICLES 3-13 General Duty, Statutory requirements relating to curriculum, Duties relating to the curriculum

The Board welcomes the fact that in reviewing the Northern Ireland Curriculum CCEA and the Department have listened carefully to, and taken due account of, the views of practicing teachers. The implementation of Articles 3-13 will make the curriculum less prescriptive and more flexible, and this is considered to be a very positive development.

ARTICLES 14-17 Special Cases

The Board is satisfied that the existing provisions of Articles 14-17 of the Education Reform (NI) Order 1989, which are replicated in the Draft Order, are realistic and appropriate.

ARTICLES 18-22 Access to Courses for Older Pupils

In principle, the Board welcomes the intention to introduce an Entitlement Framework to provide greater consistency in the breadth of course provision to be made accessible to older pupils.

It is noted that the Draft Order does not prescribe the number of courses to be required at Key Stage 4 and Sixth Form level under the Entitlement, but that the specified number is to be 'such number as the Department may for the time being specify by directions'. The Board, however, is conscious that in the Minister's statement accompanying the Draft Order the eventual requirement is clearly stated to be 24 subjects at Key Stage 4 and 27 subjects at Post 16. The Board considers that this requirement is unrealistically high and unduly ambitious, and that for many schools the collaborative arrangements to which they will have to resort in order to comply, particularly in rural areas, will be cumbersome and inefficient in terms of teacher and pupil time. The Board feels that there is a need to fix some limit to the Department's unfettered freedom, as currently envisaged by the Draft Order, to determine the numbers of courses to be required of schools.

The Board is particularly concerned about the implications of the Entitlement Curriculum for the future viability of smaller rural schools. It is accepted that there are excellent examples of current good practice in terms of collaborative working among schools and colleges, for example in Limavady, but it is noticeable that

successful initiatives tend to occur in areas where the collaborating institutions are located in close proximity to each other. The difficulties and challenges associated with timetable co-ordination, pastoral care, behaviour management and transport arrangements must not be under-estimated, particularly in the case of rural schools which may be located at a considerable distance from any potential partner.

The Board is concerned also about the financial implications of the Entitlement Curriculum, which may be expected to place even further pressures on the delegated budgets of schools. The existing LMS Common Funding Formula requires schools to operate within an intensely competitive environment. The Department needs to consider whether its Common Funding Formula is really fit for purpose in the context of the collaborative arrangements which will be necessary for successful delivery of the Entitlement Curriculum. In its submission to the Department in November 2004 in response to the consultation on the Common Funding Scheme the Board expressed the following view:

‘The Board believes that if the Costello recommendations are to have a realistic chance of success there is a need for an imaginative and fundamental review of school funding arrangements, based on a meaningful assessment of real needs and inescapable costs, in order to provide a future funding framework which will encourage co-operation and which is truly fit for purpose.’

The Board remains convinced of this need, and would urge the Department to implement the necessary review of school funding arrangements as a matter of urgency.

It is noted that while the Minister’s statement refers to ‘vocational’ and ‘academic’ courses, the terms used in the Draft Order are ‘applied’ and ‘general’. The Draft Order fails to provide any meaningful interpretation of the distinction between ‘general’ and ‘applied’ courses. The Board believes that this terminology is unduly loose. There is a need for more precision in defining the categories into which courses are to be assigned, and for a firm commitment to ensure that both categories are accorded equal status.

ARTICLE 23 Curriculum Advice and Support

The Board is satisfied that the existing provisions of Article 29 of the Education Reform (NI) Order 1989, which are replicated in Article 23 the Draft Order, are realistic and appropriate in terms of the Boards’ responsibilities for curriculum advice and support.

ARTICLE 24 Provision of Information

The Board has no objection to the provisions of this Article.

ARTICLE 25 Curriculum Complaints

The Board has no objection to the provisions of this Article.

ARTICLES 27-29 Admissions

The Minister has claimed in her Statement that 'Future transfer arrangements will be based on parents' choice', and that using the information provided from various sources 'parents will decide which type of school will best meet their child's needs'. It needs to be acknowledged that for many parents, particularly those in rural areas, freedom of choice will be circumscribed by many limiting factors. The Board is not convinced by the Minister's assertion that the reforms will provide greater choice for all pupils.

A fundamental issue which does not appear to have been addressed in the consideration of admissions arrangements is the question of transport entitlement. Currently transport entitlement is linked to the concept of 'suitable schools' as precisely defined in DE Circular 1996/41. If the essential difference between grammar and secondary schools is removed, what basis will be used for determining entitlement in the case of those choosing a more distant grammar school in preference to a nearer secondary school? Will a pupil qualify for transport to a specialist school on the grounds that it is more 'suitable' in terms of the pupil's aptitudes than a closer 'non-specialist' school? The existing costs of home to school transport in Northern Ireland are recognised to be extremely high, and the new admissions arrangements have the potential to raise them higher still. On the other hand, if a decision is taken to restrict transport entitlement to the 'nearest suitable school', or indeed to introduce charges for all pupils transported, the implications in terms of accessibility and freedom of parental choice are considerable.

It is noted that Article 28 of the Draft Order is intended to replace Article 16 of the Education (NI) Order 1997, and that responsibility will continue to rest with Boards of Governors to draw up and amend the criteria to be applied in selecting children for admission, subject to whatever regulations may emerge in due course from the Department. The issue of admissions criteria is extremely sensitive and potentially contentious, and it is imperative that there is consistency and transparency in the manner in which criteria are to be drawn up and implemented by Boards of Governors. The Board notes that further consultation is planned before regulations are finally issued, but that this consultation will not take place until 2007. The Board believes that there is a need for firm decisions to be taken as a matter of urgency about what is to be permissible and not permissible in relation to admissions criteria, in order to curtail the speculation and misinformation which is currently such a negative and damaging element of

the ongoing media controversy, and to provide a realistic context for the planning which needs to take place about future provision. The Board is apprehensive about the potential impact of some of the criteria which have been proposed in the Department's previous consultation exercise, particularly in relation to children in rural areas, and would emphasise the need to include safeguards to ensure that such children are not disadvantaged.

The Board is concerned to note the omission from Article 28 of the provision that a school's admissions criteria 'shall not include the fact that the school was the first preference expressed by the parent of the child or was a higher preference than any other school or schools'. This important provision of the 1997 Order (Article 16(8)) must continue to apply, and should be included within Article 28 of the Draft Order.

Education and Library Boards have a central role in the arrangements for transfer from primary to post-primary education, and accordingly it is considered that they should be included specifically in Article 28(8) of the Draft Order among the bodies to be consulted by the Department before it makes its regulations about admissions criteria.

It is noted that Article 29 of the Draft Order makes provision for the establishment of a body to consider applications for admission on grounds of exceptional circumstances. The Board considers that in addition to payments of travelling and subsistence expenses as proposed under Paragraph (7) of the Article, the members of this body should be entitled to receive payments similar to those currently available to members of appeals tribunals under Article 15(11) of the 1997 Order.

ARTICLES 30-33 Suspension and expulsion of pupils from grant-aided school

The Board recognises the need for consistency in the procedures for expulsion and suspension of pupils, and accepts the proposal that Education and Library Boards will become the expelling authority for all grant-aided schools in their area.

It is imperative that the scheme to be drawn up by the Department in relation to the suspension and expulsion of pupils takes due account of the need for procedures to be clearly defined, transparent, equitable and capable of implementation within extremely tight timescales.

With reference to the proposal in Article 31(5) to set up an appeals tribunal to hear appeals against expulsions, the Board considers that in addition to payments of travelling and subsistence expenses as proposed under Paragraph (7) of the Article, the members of this body should be entitled to receive

payments similar to those currently available to members of appeals tribunals under Article 15(11) of the 1997 Order.

ARTICLES 34-36 General Teaching Council for Northern Ireland

The Board supports what these articles are intended to do in relation to the assignment of responsibility for the registration of teachers to the General Teaching Council for Northern Ireland. It is concerned, however, about the proposed amendment to the wording of Article 36(3)(f)(iii) of the 1998 Order relating to the removal of persons from the register. The proposed wording is:

‘- have in accordance with procedures specified in the regulations been found guilty of misconduct or serious professional incompetence’.

The concept of ‘guilt’ is not appropriate in the context of incompetence, and it is suggested that the wording should be:

‘- have in accordance with procedures specified in the regulations been found to be professionally incompetent or to be guilty of misconduct’.

ARTICLE 40 Removal of requirement for annual parents’ meeting

The Board welcomes the proposal to remove the existing requirement on Boards of Governors to hold an annual parents’ meeting, in recognition of the widely held feeling that the annual parents’ meeting has not tended to generate sufficient interest among parents to justify its inclusion as a statutory requirement.

If this requirement is to be removed there is a need to make a consequential adjustment to Article 125 of the 1989 Order, in order to remove the requirement to include details in the Governors’ annual report of arrangements for the annual parents meeting.

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