

Subject:

**THE EDUCATION (2006 ORDER) (COMMENCEMENT
NO. 1) ORDER (NORTHERN IRELAND) 2007**

Circular Number:
2007/06

Date of Issue:
15 February 2007

Target Audience:

Principals and Boards of Governors of all grant-aided post-primary schools and special schools with post-primary pupils;
Education and Library Boards;
Council for Catholic Maintained Schools;
Northern Ireland Council for the Curriculum, Examinations and Assessment;
Further Education Colleges;
General Teaching Council (NI).

Summary of Contents:

This circular advises that The Education (2006 Order) (Commencement No. 1) Order (Northern Ireland) 2007 was made on 23 January 2007. The Order brings Article 21 of the Education (Northern Ireland) 2006 Order into operation on 26th January 2007 and Article 35 of the same Order into operation on 11th June 2007.

Enquiries:

Any enquiries about the content of this Circular should be addressed to:

Lorraine Finlay (Re. Article 21)
Ron Armstrong (Re. Article 35)
Department of Education
Rathgael House
43 Balloo Road
Bangor
BT19 7PR

Tel: 028 91279540

Lorraine.Finlay@deni.gov.uk

Tel: 028 91279288

Ron.Armstrong@deni.gov.uk

Governor Awareness:
Essential

Status of Contents:
Advice
Information for schools

Related Documents:
1. Circular 2006/20
2. Circular 2005/18

Superseded Documents:
None

Expiry Date:
N/A

DE Website:
<http://www.deni.gov.uk>

Additional Copies:
Tel. 028 91279889

Purpose of this Circular

1. This circular provides information about the Commencement Order which brings Articles 21 and 35 of the Education (Northern Ireland) Order 2006 into operation on the dates specified below. The Commencement Order has been made under Article 1(4) of the Education (Northern Ireland) Order 2006 which allows the Department to appoint the day or days when specified provisions come into operation.

Article 21

2. The Entitlement Framework will require schools to provide access to a minimum of 24 courses at Key Stage 4 and a minimum of 27 courses for pupils post-16. In both cases at least one-third of the courses must be general and at least one-third applied. For most schools some form of collaboration with other providers will be necessary to enable pupils to have access to the full number of courses available through the Entitlement Framework.
3. Article 21 came into operation on 26 January 2007. Its purpose is to
 - provide the statutory authority for a school to enter into collaborative arrangements with other schools, further education colleges and other bodies approved by the Department to provide secondary education on behalf of the school;
 - set out a number of specific requirements about those arrangements;
 - require Boards of Governors to take account of guidance issued by the Department when they are considering whether to enter into such arrangements or the terms and conditions of such arrangements; and
 - provide the statutory authority for further education colleges to provide secondary education for pupils who are registered at a grant-aided school; and re-enacts an existing provision to enable a college, at the request of an education and library board to provide secondary education for children aged 14

but under the upper limit of compulsory school age who are not registered pupils at a school.

A copy of Article 21 is attached as an Appendix.

4. Boards of Governors should note that while such arrangements must be in writing, they may be varied from time to time, for example to reflect changing demand for courses. The content of the arrangements will be determined by the Board of Governors, and may include terms and conditions about -
 - any charges relating to the arrangements, payable by the Board of Governors;
 - the nature and quality of education to be provided under the arrangements;
 - reports or other information required about the pupils concerned;
 - any other action required to enable the Board of Governors to carry out their duties in relation to the pupils; and
 - measures necessary to safeguard the welfare of pupils, to protect them from abuse or provide for their discipline.
5. The current guidance on these and many other issues relating to collaborative arrangements is contained in
 - Circular 2005/18 (Entitlement Framework – Initial Guidance) and
 - Circular 2006/20 (Entitlement Framework – Further Guidance).Boards of Governors must take account of this guidance, and any other subsequent guidance issued by the Department, when determining their arrangements.

Article 35

6. Article 35 of the 2006 Order will come into operation on 11 June 2007 and will transfer responsibility for the approval of teaching qualifications (for the purposes of registration with the General Teaching Council for Northern Ireland (GTCNI)), from the Department to the Council. This will enable the Council to tie in teaching

qualifications with registration, which is consistent with policy operating in respect of the equivalent Councils in Scotland, England and Wales.

7. Currently, a person is not eligible for registration with the GTCNI unless he or she has, among other things, such qualifications as may be approved by the Department. As the guardian of professional ethics and standards for the teaching profession, it is appropriate that the GTCNI, rather than the Department, should ensure that the qualifications of teachers registered with the Council are consistent with the standards expected of its members.

LESLIE ASHE

028 91279700

Arrangements for provision of secondary education on behalf of a grant-aided school

21. —(1) The Board of Governors of a grant-aided school may enter into arrangements to secure the provision of secondary education on behalf of the school by—

- (a) any other grant-aided school;
- (b) any institution of further education;
- (c) any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education.

(2) Arrangements under this Article—

- (a) shall be in writing;
- (b) shall be made—
 - (i) in the case of arrangements under paragraph (1)(a), with the Board of Governors of the other grant-aided school;
 - (ii) in the case of arrangements under paragraph (1)(b), with the governing body of the institution of further education;
 - (iii) in the case of arrangements under paragraph (1)(c), with the person or body in question;
- (c) may be varied from time to time;

(d) may include such terms and conditions as the Board of Governors think necessary or appropriate, including terms and conditions—

(i) as to any charges to be paid by the Board of Governors;

(ii) as to the nature and quality of the secondary education to be provided under the arrangements;

(iii) as to the provision to the Board of Governors of such reports and other information and the carrying out on behalf of the Board of Governors of such actions as will facilitate or assist the Board of Governors in carrying out any statutory duty in relation to the pupils to whom the arrangements relate;

(iv) designed to safeguard the welfare of such pupils, to protect such pupils from abuse or to provide for discipline among such pupils.

(3) In determining—

(a) whether to enter into any arrangements under this Article; and

(b) the terms and conditions on which to enter any such arrangements,

a Board of Governors shall take account of such guidance as may from time to time be issued by the Department.

(4) In Article 14 (1) of the Further Education (Northern Ireland) Order 1997 (principal powers of governing body of institution of further education) for sub-paragraph (aa) substitute—

" (aa) to provide secondary education—

(i) for registered pupils of a grant-aided school in accordance with arrangements entered into under Article 21 of the Education (Northern Ireland) Order 2006;

(ii) for children who are not registered pupils at any grant-aided school in accordance with arrangements entered into with a board under Article 83(2)(b) of the Education (Northern Ireland) Order 1998".