

**‘Every School a Good School’
The Governors’ Role
A Guide for Governors
2023**

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1. Introduction

About the Guide

1.1. 'Every School a Good School – The Governors' Role' is an online reference guide about the roles and responsibilities of school Boards of Governors. It provides school governors with easy access to information, and it can assist governors to identify their training needs. It will be updated periodically to take account of changes in policy and legislation.

1.2. The Local Management of Schools (LMS) arrangements continue to operate with decisions on school matters being delegated to school Boards of Governors according to school management type. Future editions of this guide will highlight any changes in these arrangements.

Help

1.3. The range of responsibilities described in the guide is significant. However, governors do not need to be experts to manage them. Help and advice is available from various sources including the school Principal, the [Education Authority \(EA\)](#), the [Council for Catholic Maintained Schools \(CCMS\)](#) and sectoral support bodies.

Training

1.4. Governors can develop their own knowledge through training and networking with other governors at training and conference events. The EA delivers an annual training and support programme for members of Boards of Governors and details are available on the EA website [Governor Training & Resources | Education Authority Northern Ireland \(eani.org.uk\)](#)

1.5. The guide includes a list of the legislation, policy and other documents which affect the roles and responsibilities of school governors for reference purposes. However, the guide does not replace the law and it is not possible to offer a definite interpretation of the law as this is a matter for the Courts. Where specific problems arise, the Board of Governors should consider if they need to seek advice. Further information can be obtained from the schools Managing Authority. Copies of legislation can be found on-line through [Legislation.gov.uk](#), and if they are not held by the school Principal, can be ordered from:

The Stationery Office (TSO)
16 Arthur Street
BELFAST
BT1 4DG

Telephone (028) 9023 8451
Email Belfast.bookshop@tso.co.uk.

1.6. Copies of all the Department of Education (DE) circulars are sent to schools. The school Principal should provide the governors with access to all circulars marked

for the information of Boards of Governors and any other circulars or information that they wish to see to enable them to fulfil their responsibilities. A list of all current circulars can be found [here](#)

2. Membership of School Boards of Governors

The Role of the Board of Governors

The purpose of this guidance is to ensure that the BoG is constituted to fulfil its statutory functions in the interests of Children and Young people.

Governor recruitment

2.1. A school governor must be aged 18 or over. There are no statutory competency requirements relating to the eligibility of persons to hold the office of a school governor. For up-to-date eligibility criteria you should contact the school's Board of Governors or the relevant Managing Authority. Those nominated or appointed or applying to be a school governor should be interested in education and have a commitment to delivering an efficient education system which works in partnership to meet the needs of children and young people. Given the wide range of responsibilities of school Boards of Governors, it is desirable that members have a range of competences, skills and experience to enable them to make a positive contribution to the governance of the school. Such skills include:

Services for Children and Young People:

- a commitment to improving education for all pupils
- working or volunteering with children and young people
- involvement with your local community, knowledge or understanding of the education system in Northern Ireland.

Interpersonal Skills:

- the ability to work as part of a team taking collective responsibility for decision making
- the ability to develop and maintain co-operative working relationships
- the ability to question, support and challenge
- effective communication skills, including tact and diplomacy
- the ability to maintain confidentiality when handling governance issues

Professional Experience:

- leading or managing people
- planning and organising
- experience of having attended and contributed to meetings
- change management

- involvement in recruitment processes and human resource management
- dealing with legal issues
- PR/marketing/social media

Financial/Numerical Skills and Experience:

- the ability to understand financial information and reports
- the ability to analyse statistical/numerical information
- budget management experience
- the ability to contribute to problem-solving to ensure that information appropriate to decisions being taken has been considered, evaluated and is reliable

Additional knowledge, skills and experience which you consider are relevant.

2.2 Management skills can be developed through training and the school (in the case of DE governors the Chairperson of the Board of Governors) can advise the Education Authority (EA), Council for Catholic Maintained School (CCMS) or the Department of Education (DE) of any specific skills or experience which have a bearing on the recruitment of governors to fill vacancies. Also, the Board of Governors can coopt non-voting governors at any time as a means to enhance its skills and experience

2.3. Schools (in the case of DE Governors, the Chair) can contribute to the governor recruitment process by identifying to the relevant authorities any specific competences or skills that would be of benefit to the school Board. The school Board may also encourage or invite individuals with specific competences or skills to formally apply to be a school governor. EA and DE are open to receiving applications from individuals with an interest in being a school governor. More detail on applications can be found [here](#)

Co-opted Governors

2.4. The Board of Governors can consider the co-option of non-voting governors as a means to extend its competences in specific aspects of school governance. A Board of Governors may co-opt up to 3 persons from the local business community to bring additional skills and experience into the Board room and any committees of the Board. It may also co-opt up to 3 persons to assist with the provision and management of community activities at an [extended school](#). Co-opted members do not have a vote on any meeting of the Board of Governors or a Committee thereof. Being a co-opted governor is a good training ground for someone who may be interested in taking on the responsibilities of a full voting member of the school Board.

Child Protection Arrangements

2.5. Further details on Child Protection Arrangements can be found on the DE website at [Child protection and safeguarding](#) . A guide for schools in relation to safeguarding and child protection in schools can be found at [Safeguarding and Child Protection in Schools - A Guide for Schools](#) along with the relevant DE Circular 2017/04 [Circular 2017/04 - Safeguarding and Child Protection in Schools - A Guide for Schools](#) .

A School Governor handbook on Child Protection Support Service can be found at [Child Protection Support Service - School Governors Handbook](#). This handbook will assist school governors in fulfilling their statutory responsibilities regarding their safeguarding role, in order to promote consistency and clarity of approach across all schools.

2.6. DE Circular 2020/07 'Child Protection: Record Keeping in Schools' contains records management guidance and should be read in conjunction with DE Circular 2015/13 [Circular 2020/07 - Child Protection: Record Keeping in Schools](#)

Scheme of Management

Membership of the Board of Governors

2.7. Every school must have a scheme of management approved by DE. This scheme provides for the membership of the Board of Governors as well as its functions and procedures. The Principal should provide every governor with a copy of the scheme of management for the school on their appointment (see Chapter 4 for more information).

2.8. Each VG/GMI school will have their own Scheme of Management. The Education Authority provides a Scheme of Management for all Controlled schools which can be found [here](#). The Education Authority has also produced a model Scheme of Management for Other Maintained schools (which include Irish Medium). CCMS provides a Scheme of Management for all Catholic Maintained schools which can be found [here](#).

2.9. Any question arising as to the right of any person to be, or to appoint or nominate, a member of the Board of Governors of a grant-aided school is required by law to be decided by DE whose decision is final.

Acceptance of Membership

2.10. Every member should, at or before the first meeting of which they have been notified, sign a declaration of their acceptance of membership and of the scheme of management for the school and submit it to the secretary of the Board of Governors, otherwise their membership will be void.

2.11. Circular 2024/10 found [here](#) provides information on Pre-Employment/Access NI Check Requirements and Safer Recruitment Practices for Staff and Volunteers Working in or Providing a Service for Schools/Educational Settings.

Disqualification from Membership (this section is currently under review and may be subject to change)

2.12. The reasons a person, (other than the Principal or an elected teacher governor) cannot be a governor includes if they:

- are employed at the school or by the school;

- have, within the five years before the first day that their membership could have taken effect or at any time thereafter, been convicted by a court of any offence and has had passed on them a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine;
- are adjudged bankrupt or have made a composition or arrangement with their creditors or are subject to a Bankruptcy Restrictions Order;
- are a person who is disqualified from working with children and vulnerable adults under the Safeguarding Vulnerable Groups (NI) Order 2007 and the Protection of Freedoms Act 2012
- Where a person is disqualified from membership by having been adjudged bankrupt, the disqualification shall cease:
 - on their discharge from bankruptcy, unless the bankruptcy order made against that person is previously annulled
 - if the bankruptcy is so annulled, on the date of the annulment

2.13. Where a person is disqualified by reason of their having made a composition or arrangement with their creditors and they pay their debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Limitation on Membership

2.14. A person cannot hold more than one seat on the Board of Governors of the same school.

2.15. A person cannot hold office as a member of more than 3 Boards of Governors of grant-aided schools, except with the specific approval of DE.

Term of Office

2.16. The term of office of voting and co-opted members is usually 4 years, except when a vacancy arises through resignation. The new governor appointed to fill that post will only serve the remainder of that term of office. Any voting or co-opted member going out of office at the end of the 4 years may be re-appointed, unless they are disqualified or otherwise ineligible. As stated in the appropriate Scheme of Management a voting member may remain in office until their successor is appointed (with the exception of a teacher representative governor in a Voluntary Grammar school where they must stand down at their end of term).

Termination of Membership

2.17. A voting or co-opted member may resign by giving written notice to the Secretary of the Board of Governors. A member appointed by EA or by DE may resign by giving written notice to the EA Director of Education, or the School Governance Team of DE respectively.

2.18. Where a voting or co-opted member is absent from three consecutive meetings of the Board of Governors, or for six months consecutively, whichever is the greater

period, the Secretary shall report the matter at the next meeting. Unless the Board of Governors is satisfied that their failure to attend was occasioned by illness or other unavoidable cause, the member shall be considered to have resigned their membership and shall cease to be a member.

2.19. A member, other than the Principal or elected teacher governor, ceases to be a member of the Board of Governors when they:

- subsequently become an employee of any school for which the Board of Governors is appointed
- are subsequently convicted of an offence and sentenced by a court
- subsequently become bankrupt or are the subject of a Bankruptcy Restrictions Order

The above is currently under review and may be subject to change.

Vacancies

2.20. When a vacancy occurs among the members, the Chairperson or the school Principal should notify the relevant appointing authority promptly and initiate arrangements to fill it as soon as practicable.

2.21. The proceedings of a Board of Governors are not invalidated by any vacancy among its members or by any defect in the appointment, election or nomination of any member. It is important for the effective operation of business that all vacancies are filled promptly and that sufficient voting members attend meetings to make up the quorum specified in the scheme of management for the school.

Parent Governor Vacancies

2.22. Where there are one or more vacancies for elected parent governors at any grant-aided school and the number of parents standing for election is fewer than the number of vacancies, the required number of parent governors should be made up by persons appointed by the other voting members of the Board of Governors. Where it is reasonably practical to do so, the person appointed should be the parent of a registered pupil at the school. These persons are then regarded as the elected parent governor(s).

2.23. Where, in the opinion of EA, it is likely to be impractical for there to be elections of parent governors to a school established in a hospital, the required number of parent governors may be made up by persons appointed by the other voting members of the Board of Governors. Where it is reasonably practical to do so, the persons appointed should be the parent of a registered pupil at the school. These persons are then regarded as the elected parent governor(s).

Membership Categories

2.24. With a few exceptions, the school's Board of Governors is normally made up of members who represent the interests of:

- those who originally founded the school i.e., foundation governors, Trustee governors
- those who fund the education system. These governors are appointed by the EA and/or DE to represent the public or taxpayer's interest i.e., EA and DE governors
- parents of registered pupils at the school i.e., parent governors
- teachers on the staff of the school i.e., teacher governors

2.25. The size of the Board of Governors can range from 8 to 36 members. The exact membership composition for each type of school is laid down in legislation and in the scheme of management for the school; a summary membership table is included at the end of this chapter.

Foundation Governors

2.26. The 4 main Churches (the Catholic Church, the Presbyterian Church, the Church of Ireland and the Methodist Church) and a few other interests, established the first non-fee paying elementary schools. These schools continue to provide primary education within our school system.

2.27. The Transferor Representatives' Council (TRC) [Transferor Representatives' Council – Representing Churches in Education in Northern Ireland \(trc-churcheducation.org\)](http://trc-churcheducation.org) is an unincorporated body comprising three Protestant churches (Church of Ireland, Presbyterian and Methodist) that owned schools prior to their transfer to state ownership. Transferor Governors are nominated by a wide range of nominating persons and bodies from the Church of Ireland, Presbyterian and Methodist churches that include local clergy/ministers, local churches, charities, education trusts, church area bodies, and central church boards. The Transferor Representatives' Council has an oversight role in the nominations but does not make them. The remainder comprises governors in schools that are not transferred or do not supersede any other school. Some church representatives may also be nominated by the Education Authority (EA).

2.28. The foundation governors of privately owned i.e., voluntary maintained primary and secondary schools are nominated by the legal owners of the school premises and are called the 'trustee' representatives. For example, the Catholic Church retains all Catholic maintained schools in private voluntary ownership. This has also been the case in Irish-medium schools previously i.e. trustee representatives.

2.29. There are no foundation governors for publicly owned nursery (except Integrated), grammar (except integrated) and special schools because these schools were established by the public education service through public funds as the need arose.

2.30. The voluntary grammar schools were established by individual and Church benefactors including some Religious Orders to provide access to schooling on a fee-paying basis that could lead to higher education. They were set up at various stages during the last 3 centuries under various Acts of Parliament including Royal Charters.

They are registered as charitable organisations, and a few are registered as companies. The arrangements for the selection of the foundation governors in voluntary grammar schools can reflect provisions in the school's original instrument of government. Further information can be found through the Governing Bodies Association NI found [here](#).

2.31. During the last three decades, new integrated schools have been set up privately by supporters of educating Catholic and Protestant pupils together. The foundation governors reflect ownership interests and the ethos of the school. Existing publicly and privately owned schools can transform to integrated status. The Northern Ireland Council for Integrated Education NICIE is an organisation which supports the development of integrated education. Further information on the work of NICIE can be found [here](#).

2.32. Recent years have also seen the development of Irish Medium Schools which provide education through the medium of Irish. The Irish-medium sector is more than 50 years old. These schools can be set up as publicly or privately owned schools. The foundation governors reflect ownership interests and the ethos of the school. Comhairle na Gaelscolaíochta, a voluntary organisation, supports the development of Irish medium education. Further information on the work of Comhairle na Gaelscolaíochta can be found [here](#).

EA and DE Governors

2.33. EA appoints all governors to the schools that they have responsibility for, and it appoints governors to the boards of a number of other schools. DE also nominates or appoints governors to a number of schools. Applications from all sections of the general public are welcome. Further information on becoming a school Governor can be found [here](#).

Parent Governors

2.34. Parents of registered pupils at the school are eligible to stand for election as a parent governor at the school and/or to vote in that election process. They must have a child attending the school at the time of election. They can complete their term of office even if their child leaves the school in the meantime. A 'Parent' is defined in legislation as a guardian and every person who has the actual custody of the child or young person.

Teacher Governors

2.35. Teachers on the staff (excluding NISTR) of the school are eligible to stand for election as a teacher governor at the school or to vote in the election process. If

resigning from the staff of the school, the teacher must also resign from the Board of Governors.

Governing Bodies

2.36. As outlined above Boards of Governors are made up of individuals elected, nominated or appointed by a range of membership Categories. However, representing the views of those who selected them is not the role of the school governor. The primary purpose of the school governor, acting collectively as a member of the Board of Governors, is to ensure that the school is properly managed and delivers high quality education for all its pupils.

2.37. Regardless of the method by which they were selected, all governors (with the exception of those who are co-opted) have the same voting rights. All governors, once appointed, are expected to work together in the best interests of their school and its pupils consistent with the principles of corporate and collective responsibility and their statutory duties and responsibilities. The governors collectively direct the school's affairs and effective operation of the governing body takes precedence over their roles as governors nominated, elected or selected by particular stakeholder groups.

Principal

2.38. The Principal is a non-voting member and an ex-officio governor because it is considered that to be a voting member would compromise their position as the Head professional adviser to the Board of Governors. The Principal is entitled to attend all meetings of the Board of Governors except where their performance, employment or salary is under discussion. The Principal may act as Honorary Secretary to the Board of Governors.

Membership of School Boards of Governors by Governor Category¹

Controlled Schools in public ownership	Number of Governors on the Board	Foundation Governors	EA Governors	DE Governors	Parent Governors	Teacher Governors
Primary & Secondary	9	4	2	0	2	1
	16	6	4	0	4	2
	24	9	6	0	6	3
Nursery, Grammar & Special	8	0	3	2	2	1
	16	0	6	4	4	2
	24	0	9	6	6	3
Integrated Nursery, Primary & Secondary ²	14	2 Transferors	4	0	4	2
		2 Trustees				
	21	3 Transferors	6	0	6	3
		3 Trustees				
Integrated Grammar or other integrated school ³	14	0	4	4	4	2
	21	0	6	6	6	3
Schools in private Ownership	Number of Governors on the Board	Foundation Governors	EA Governors	DE Governors	Parent Governors	Teacher Governors
Primary & Secondary (voluntary Maintained 100% capital grant)	9	4*	2	1	1	1
	18	8*	4	2	2	2
	27	12*	6	3	3	3
	*Trustee governors must include at least 1 parent in their nominees.					
Primary & Secondary (voluntary maintained 85% capital grant)	10	6*	2	0	1	1
	18	10*	4	0	2	2
	27	15*	6	0	3	3
	*Trustee governors must include at least 1 parent in their nominees.					
Primary & Secondary (Grant Maintained Integrated)	16	6	0	4	4	2
	24	9	0	6	6	3
Voluntary Grammar (100% capital grant)	9	4*	0	3	1	1
	18	8*	0	6	2	2
	27	12*	0	9	3	3
	36	16*	0	12	4	4
	*Trustee governors must include at least 1 parent in their nominees.					
Voluntary Grammar (85% capital grant)	10	6	0	2	1	1
	18	10	0	4	2	2
	27	15	0	6	3	3
	36	20	0	8	4	4
	*Trustee governors must include at least 1 parent in their nominees.					
Voluntary Grammar (no capital grant)	13 or fewer	No set No.*	0	0	1	1
	14 or more	No set No.*	0	0	2	2
	*but must include at least 1 parent in their nominees.					

¹ The Principal and Co-Opted Governors are additional to the membership shown above.

² Applies to a school which prior to transformation was a controlled or catholic maintained school.

³ Applies to a school which prior to transformation was a voluntary school other than a catholic maintained school. 12

The Law

The Education Act (NI) 1923

The Education and Libraries (NI) Order 1986 – Article 10 (*Management of Controlled Schools*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Article 11 (*Management of Voluntary Schools*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Article 12 (*Limitation on Membership of Boards of Governors*) as amended by Article 37 of the 1993 Order [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Article 13 (*Miscellaneous provisions relating to Boards of Governors*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Schedule 4 (*Membership of Board of Governors of Controlled Schools*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Schedule 5 (*Membership of Board of Governors of Maintained School*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Schedule 6 (*Membership of Board of Governors of Voluntary Grammar School entering into agreement with the Department or Board*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1986 – Schedule 7 (*Membership of Board of Governors of Voluntary Grammar School not entering into agreement with Department or Board*) [The Education and Libraries \(Northern Ireland\) Order 1986 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 1993 – Article 37 (*Limitation on membership of Boards of Governors*) [The Education and Libraries \(Northern Ireland\) Order 1993 \(legislation.gov.uk\)](#)

The Education and Libraries (NI) Order 2003 – Article 23 (*Removal of members of Boards of Governors*) [The Education and Libraries \(Northern Ireland\) Order 2003 \(legislation.gov.uk\)](#)

The Education Reform (NI) Order 1989 – Article 89 (*Constitution of Boards of Governors for controlled integrated schools*) [The Education Reform \(Northern Ireland\) Order 1989 \(legislation.gov.uk\)](#)

The Education Reform (NI) Order 1989 – Article 122 (*Co-option of persons to Boards of Governors of grant-aided schools*) [The Education Reform \(Northern Ireland\) Order 1989 \(legislation.gov.uk\)](#)

The Education Reform (NI) Order 1989 – Article 123 (*Schemes of Management*) [The Education Reform \(Northern Ireland\) Order 1989 \(legislation.gov.uk\)](#)

The Education Reform (NI) Order 1989 – Schedule 5 (*Membership of Board of Governors of Grant-Maintained Integrated Schools*) [The Education Reform \(Northern Ireland\) Order 1989 \(legislation.gov.uk\)](#)

Guidance

DE Circular 2006/06 Child Protection: Recruitment of people to work with children and young people in educational settings

<https://www.education-ni.gov.uk/publications/circular-200606>

DE Circular 2006/25 Child Protection: Vetting of school Governors

<https://www.education-ni.gov.uk/publications/circular-200625>

DE Circular 2008/03 Child Protection: Pre-employment checking of Persons to work in Schools – new arrangements

<https://www.education-ni.gov.uk/publications/circular-200803-pre-employment-checks>

DE Circular 2015/13: Dealing with allegations of abuse against a member of staff

<https://www.education-ni.gov.uk/publications/circular-201513-dealing-allegationsabuse-against-member-staff>

DE Circular 2020/07 - Child Protection: Record Keeping in Schools

[Circular 2020/07 - Child Protection: Record Keeping in Schools | Department of Education \(education-ni.gov.uk\)](#)

DE Circular 2017/04 Safeguarding and Child Protection in Schools – A Guide for Schools -

[Circular 2017/04 - Safeguarding and Child Protection in Schools - A Guide for Schools](#)

Safeguarding and Child Protection in Schools – A Guide for Schools - [Safeguarding and Child Protection in Schools - A Guide for Schools](#)

Child Protection Support Service for Schools – School Governors Handbook

[Child Protection Support Service - School Governors Handbook](#)

Circular 2017/20 - Election of parent and teacher members of Boards of Governors

<https://www.education-ni.gov.uk/publications/circular-201720-election-parent-andteacher-members-boards-governors>

3. Overview of the Roles and Responsibilities of the School Board of Governors

This is an overview of the roles and responsibilities of a school Board of Governors.

The Role of the Board of Governors

The role of the Board of Governors is to manage the school with a view to providing the best possible education and educational opportunities for all of the pupils. This involves:

- **setting the strategic direction for the school**
- **taking corporate decisions in relation to the statutory functions of the Board of Governors**

Strategic Governance

3.1. The Board of Governors has an important strategic role to play in the management of the school. This is to help the school principal and staff, provide the best possible education for all of the pupils. Governors bring their experience, life skills and common sense to this task. In everything they do, they should aim to raise expectations of what can be achieved by all pupils and strengthen the involvement of parents and the community. This involves:

- setting the school's vision and aims
- establishing and maintaining the school's ethos
- setting the school's plans and policies
- monitoring and evaluating school performance
- promoting self-evaluation to sustain school improvement

Setting the School's Vision

3.2. The school Board of Governors and the Principal should know the school and its community and have a vision of how they want the school to develop in the future. This vision should reflect the educational goals and targets set for the pupils. It should motivate pupils and staff, build on core educational values and beliefs and moral purpose, be inclusive of stakeholders' values and beliefs and be informed by the most innovative practice on teaching and learning. The vision will be worked out through the School Development Plan. The governors and the Principal should also take note of the characteristics of a successful school set out in Every School a Good School - a Policy for School Improvement found [here](#).

Establishing and Maintaining the School's Ethos

3.3. The governors and the Principal should maintain an ethos for the school that promotes the moral, spiritual, intellectual, social and personal development of all its pupils. The school's ethos should contribute to the wider goals of the school and be clearly defined and understood by parents, pupils, staff, governors and the local community. It should also be consistent with a commitment to promote equality, good relations and diversity within the school and its community; [chapter 5](#) refers.

Setting the School's Plans and Policies

3.4. The School Development Plan includes the school's financial plan, education plans and assessments, where appropriate the school's action plan to address issues identified in a school inspection report, and the school's policies and priorities. This provides the strategic framework within which the school Board, the Principal and staff can monitor, evaluate and improve the nature of the school's curricular and other provisions and the standards achieved by pupils making efficient use of all the school's available resources. The drafting of the school's plans and policies are initially the responsibility of the Principal. Consideration and approval of these plans' rests with the school Board and is an important responsibility. Additional information is contained in [chapter 6](#).

Monitoring and Evaluating School Performance

3.5. There are many useful ways of measuring performance which take account of the school's context and seek to measure the value-added dimension. The governors, working with the Principal, must decide which key indicators they wish to monitor and make arrangements for the Principal to provide the appropriate data at suitable times. The findings of ETI Reports (where appropriate) along with information contained within data-packs and benchmarking/target-setting guidance provided by DE also need to be taken into account. Additional information is contained in [chapter 6](#).

3.6. Having measured the school's performance, the governors should liaise with the Principal and staff in drawing up appropriate action plans to move the school forward towards improvement. These should in turn feed into the School Development Plan.

Promoting Self-Evaluation to Sustain School Improvement

3.7. School improvement is most likely to be sustained over time when a school establishes a positive culture and commitment to professional growth. Self-evaluation is a process through which an individual teacher, groups of staff, the staff as a whole and senior management reflect on their current practice, identify and celebrate the strengths of the school and identify and address areas for improvement in their work. Guidance documents are listed at the end of this chapter.

3.8. The Education and Training Inspectorate (ETI) provide a self-evaluation guide designed specifically for governors of schools of all types, including the managers of EOTAS centres. The guide entitled '[Inspection and Self-evaluation Framework for Governors' \(ISEF\)](#) (ISEF) reflects accurately the ISEF for school leaders and enables governors to evaluate the extent of their effectiveness in both supporting and challenging the school leadership to bring about improvement and raise standards. These documents and other materials related to school inspection are available at www.etini.gov.uk.

Assessing the Educational and Financial Viability of a School

3.9. Governors, together with the Principal, help set the strategic direction of the school including assessing the school's educational and financial viability in terms of the six sustainability criteria published in the Department's Schools for the Future: A Policy for Sustainable Schools (Sustainable Schools Policy) found [here](#). These are: Quality Educational Experience; Stable Enrolment Trends; Sound Financial Position; Strong

Leadership and Management by Boards of Governors and Principals; Accessibility; and Strong Links with the Community. The Sustainable Schools Policy includes a series of indicators underpinning the criteria which Governors can use to help with selfassessment. A [SSP User Guide](#) has been developed and published to supplement the SSP. It is a framework to assist Governors (and others) assess the sustainability of a school with potential actions highlighted to help address related issues. An Area Planning process is in place for school managing authorities, and sectoral support bodies, to provide support to and work with schools where sustainability issues are identified either by the school itself and/or the statutory planning authorities. A Development Proposal may be required to give effect to changes considered necessary to ensure pupils have access to a high-quality education within a sustainable school setting. Links to the SSP User Guide and guidance on Area Planning and the bringing forward of Development Proposals are provided at the end of this section. One way in which a school may explore its sustainability is the recently developed 'Future Schools' Toolkit'. EA also provide training for Governors in relation to Area Planning and Sustainability and more information can be found [here](#).

School Amalgamations

3.10. As explained in the Sustainable Schools Policy (SSP) and DE Circular 2017/09 - Guidance on the publication of a Development Proposal found [here](#), an amalgamation means the forming of a new school to replace two or more schools of a similar size coming together. If consideration is being given to an amalgamation, [DE circular 2018/15](#) - Guidance on Implementation of Approved Development Proposals for School Amalgamations, outlines the support available for the implementation of approved DPs for school amalgamations.

3.11. Newly amalgamated schools need to be mindful that any Schedules signed for previous schools are null and void. If 100% Grant-in-aid funding is required for a newly amalgamated school, then the appropriate Schedule will need to be signed.

The Children's Services Co-operation Act (Northern Ireland) 2015 and the Children and Young People's Strategy

3.12. The Children's Services Co-operation Act (Northern Ireland) 2015 came into effect in December 2015. The aim of the Act is to improve co-operation between named Children's Authorities (government departments, district councils, Health and Social Care Trusts, the Health and Social Care Board, Public Health Agency, Education Authority, NI Housing Executive, PSNI and the Probation Board) and between the Children's Authorities and other children's service providers who provide a children's service or are engaged in activities which contribute to improving the well-being of children and young people. Schools fall into the category of children's service providers.

3.13. The Act defines well-being in terms of eight interconnected characteristics, which are:

- Children and young people are physically and mentally healthy
- Children and young people enjoy play and leisure
- Children and young people learn and achieve
- Children and young people live in safety and stability
- Children and young people experience economic and environmental wellbeing

- Children and young people make a positive contribution to society
- Children and young people live in a society which respects their rights
- Children and young people live in a society in which equality of opportunity and good relations are promoted.

3.14. The Act requires the Executive to adopt a Strategy setting out how it proposes to improve the well-being of children and young people. Although led by the Department of Education, the Strategy is an Executive Strategy which will be delivered by all government departments. The Strategy reinforces the requirements of the Act in respect of co-operation and outlines the initial arrangements to be made by the Executive to promote co-operation across all relevant bodies. This includes adhering to key principles of co-operation; establishing effective structures; and proactively identifying opportunities to co-operate. The new Strategy will provide the Executive's overall strategic direction and outline how Government will work collaboratively to improve the well-being of children and young people.

3.15. The Children's Services Co-Operation Act (Northern Ireland) 2015 can be accessed on the legislation website at [Children's Services Co-operation Act \(Northern Ireland\) 2015](#).

3.16. The school's vision, aims and performance are expected to take into account all relevant outcomes and indicators of the Children's Services Co-operation Act (NI) 2015 and the Children and Young People's Strategy. [Children and Young People's Strategy 2020-2030 | Department of Education \(education-ni.gov.uk\)](#)

Shared Education

3.17. Shared Education involves two or more providers (includes schools and other educational settings) working in partnership to support the education together of children and young people across religious and socio-economic divides (as defined in legislation). This is achieved through regular, purposeful curriculum-based contact.

3.18. For those schools participating in Shared Education, Boards of Governors should take steps to ensure that it is reflected accordingly in the strategic vision, aims and priorities set for the school and partnership. Building a culture of inclusivity and respect for others which is embedded in the culture and ethos of the school is also considered critical to successful collaboration. For those schools not yet involved they are encouraged to explore what opportunities may be available.

3.19. Please see also [Chapter 5](#) with regard to the promotion of equality, good relations and diversity, [Chapter 6](#) relating in particular to School Development Planning and self-evaluation, [Chapter 7](#) on the NI curriculum, [Chapter 18](#) on school operational days, and crucially [Chapter 24](#) which provides specific advice around Shared Education.

Corporate Governance

3.20. The Board of Governors has many varied statutory functions in relation to the local management of schools. In fulfilling these functions, the Board of Governors should support the aims and objectives of the school and act in its best interests. In practical terms this will normally involve:

School performance measures

- engaging actively in developing, approving, monitoring and reviewing the School Development Plan and taking appropriate actions where required;
- setting performance objectives for the Principal under Performance Review and Staff Development (PRSD);
- managing the school's finances;
- ensuring the school's performance targets are both achievable and sufficiently challenging to lead to and sustain improvement in the standards attained by the pupils.

Curriculum Planning

- agreeing a Curriculum Policy;
- facilitating the implementation of the Curriculum;
- ensuring proper provision for pupils with special educational needs.

Employment Issues

- determining the school's staff complement;
- selecting and appointing staff with regard to costs and curriculum needs; and
- managing employment issues including a staff salary policy and staff conduct, discipline and grievance procedures; (in compliance with the laws that prohibit discrimination and harassment and promote equality of opportunity in employment).

Pupil Pastoral Care and Protection Issues

- safeguarding and promoting the welfare and protection of pupils; • setting general principles on good behaviour and pupil conduct;
- participating in pupil disciplinary procedures.

Publication of Information regarding the School and its Pupils •

- providing information for parents about the school and their children;
- agreeing and applying criteria for pupil admissions.

Managing the School Premises and relations with the Community

- controlling the use of premises, inspecting the premises and equipment annually, and ensuring the school estate is properly maintained (this will involve liaison with the Project Manager when the services are provided by a contractor);
- promoting good relations between the school and the community.

To do this, governors are expected to:

- prepare for, attend and participate in Board and Committee meetings;
- undertake training;
- attend school functions where possible;
- support the Principal to enable them to control the day-to-day internal management of the school;
- encourage good communications within the school.

Promoting Good Governance

In conducting all of its business, the Board of Governors should

- give proper weight to the advice and guidance from the Principal;
- support majority decisions of the Board of Governors;
- ensure that the position of governor is not used for personal gain;
- declare all potential conflicts of interest;
- protect the confidential nature of school business;
- work within the school's scheme of management.

3.21. The responsibility for governing the school must be shared by the whole Board of Governors. Only the Board of Governors, acting together after discussion within a strong framework of rules and good practice by consensus or majority vote, has the power to question, to challenge or to change things.

3.22. A governor will not incur personal liability in respect of any action taken in good faith in the exercise of the school Board's delegated duties and responsibilities. Good faith, broadly speaking, may be regarded as an act which is undertaken honestly, with no ulterior motive, and in the light of the information available at the time.

3.23. Every Board of Governors has a role in promoting good governance, and in supporting pupils, staff and parents and the role of the school in the community. The Board of Governors should be involved as an equal partner with the Principal and the Staff Senior Management Team (SMT) in making a significant difference to the life and work of the school. The governors and the Principal should have a good understanding of and respect for their separate but complementary roles. Also, the governors should have as a priority both staff and governor development.

3.24. The Principal and the staff should have trust and confidence in the governors' integrity to act in the best interests of the whole school with the pupils at its heart. Trust and confidence are developed when the governors share responsibility for the work of the school both good and bad and take decisions that will lead to improvement in the quality of the school's education provision and pupil performance.

Being a Critical Friend

3.25. The Board of Governors should act as a 'critical friend', asking challenging questions and not 'rubber stamping' decisions made by the Principal. The 'challenge role' means that the governors make sure that they have the information necessary to enable them to make the right decisions and that they do not succumb to merely rubber-stamping the decisions of the Principal.

Supporting Pupils, Parents and Staff

3.26. School Boards of Governors who are seen to support the pupils send out a clear message that the pupils are valued and are an encouragement to the pupils as well as to the school staff, parents and the local community.

3.27. The involvement of parents in children's education contributes significantly to pupils' educational achievements and in recognition of this; many schools have

established effective partnerships between home and school. It is important that Boards of Governors:

- engage parents in their children's education and the work of the school;
- support parents in fulfilling these responsibilities; and
- respond appropriately to parents' concerns or formal complaints relating to their children as pupils of the school.

3.28. Parents have considerable rights and responsibilities when it comes to their child's schooling (Appendix 4 refers). Boards of Governors need to have a clear understanding of parental rights and responsibilities and take proper account of them in their dealings with parents.

3.29. The teaching and non-teaching staff are often required to implement decisions made by the Board of Governors or are affected by its decisions. It is important, therefore, that all Governors are seen to support the staff and to offer them as much encouragement as possible.

Whistleblowing

3.30. Further information on the Whistleblowing process can be found at the following links

[DE Raising Concerns at Work \(Whistleblowing\) Policy March 2018 v6.pdf \(educationni.gov.uk\)](#)

[Whistleblowing | Education Authority Northern Ireland](#)

[238412 NIAO Good Practice Guide \(A4 68pp\) 4.pdf \(niauditoffice.gov.uk\)](#)

The Law

The Education and Libraries (NI) Order 1986 – Articles 10-13 (*School Management*)

The Education Reform (NI) Order 1989

The Education and Libraries (NI) Order 1993

The Education and Libraries (NI) Order 2003

The Special Educational Needs and Disability (NI) Order 2005

The Education and Libraries (NI) Order 2006

The Education (School Development Plans) Regulations (NI) 2010

Shared Education Act (NI) 2016

<http://www.legislation.gov.uk/nia/2016/20/contents> Northern

Ireland Act 1998

<http://www.legislation.gov.uk/ukpga/1998/47/contents>

The Children's Services Co-operation Act (NI) 2015

<http://www.legislation.gov.uk/2015?title=children%27s%20services%20cooperation%20act> .

Guidance

Appendix 3: School Policies

Appendix 4: Parental Rights and Responsibility

A Self-Evaluation Guide for Boards of Governors and Principals -
School Management Key Aspects 2010 published for Irish Medium Schools by
Comhairle na Gaelscolaíochta

Catholic Education –The Vision published by CCMS (2007)

Core Values in Controlled Schools published by the Transferors' Representatives
Council

CSSC Ethos Leadership Programme <https://www.csscni.org.uk/ethos/ethos-andleadership>

DE Guide to School Development Planning - DE Circular 2010/22, School Development
Plans <https://www.education-ni.gov.uk/publications/circular-201022-schooldevelopment-planning-regulations-and-guidance>

Sustainable Schools Policy: <https://www.education-ni.gov.uk/publications/schoolsfuture-policy-sustainable-schools>

SSP User Guide: <https://www.education-ni.gov.uk/node/56402>

Area Planning Guidance: [Area Planning Guidance 2022-2027 | Department of Education \(education-ni.gov.uk\)](#)

DE Circular 2017/09 - Guidance on the publication of a Development Proposal:
<https://www.education-ni.gov.uk/publications/circular-201709-guidance-publicationdevelopment-proposal-updated-september-2018>

Guidance on Implementation of Approved Development Proposals for School
Amalgamations (2018/15): <https://www.education-ni.gov.uk/publications/circular201815-guidance-implementation-approved-development-proposals-schoolamalgamations>

DE /ETI Publications: School Self-Evaluation

Evaluating Schools 1992 and 1999

Evaluating Pastoral Care 1999

Evaluating Religious Education

[Inspection and Self-Evaluation Framework Effective Practice and Self-Evaluation Questions for Governance](#)

The Reflective Teacher 2005

Improvement through Self-Evaluation -Interactive DVD ROM 2005/6
Evolutionary School Improvement Framework BELB 2007

Quality Indicators: For Use in the Self-Evaluation of Governance 2014
<https://www.etini.gov.uk/publications/school-governance-quality-indicators-use-selfevaluation-governance>

Other Models for Self-Evaluation

Ulster University's *Future Schools Toolkit* provides support and guidance to undertake self-evaluation against the Sustainable Schools Policy criteria and indicators. The toolkit can be accessed on the UU website at:

<https://www.ulster.ac.uk/research/topic/education/our-research/current-researchprojects/future-schools>

CSSC Ethos Self-Evaluation Toolkit

[Ethos Self-Evaluation Toolkit | Controlled Schools Support Council \(csscni.org.uk\)](https://www.csscni.org.uk/Ethos-Self-Evaluation-Toolkit)

Investors in People (IiP) / Charter Mark / EFQM Excellence Model

Self-Evaluation through Attitude Questionnaire (SETAQ) [Schoolcentre.net](https://www.schoolcentre.net) online
Sharing Works – A policy for Shared Education

<https://www.education-ni.gov.uk/publications/sharing-works-policy-shared-education>

Developing Shared Education - A Framework for School Partnerships (ETI)

<https://www.education-ni.gov.uk/publications/developing-shared-education-frameworkschool-partnerships-november-2014>

Developing Shared Education in Early Years Settings – A Framework for Collaborative Partnerships (ETI)

<https://www.education-ni.gov.uk/publications/developing-sharededucation-early-years-settings-framework-collaborative-partnerships-2016-2017>

Children and Young People's Strategy - [Children and Young People's Strategy 2020-2030 | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/children-and-young-peoples-strategy-2020-2030)

4. The Board of Governors in Operation

This chapter explains how a school Board of Governors should conduct its business.

The Role of the Board of Governors

The Board of Governors has to fulfil its statutory functions in relation to the school and is accountable for ensuring that its decisions support the best interests of the school and its pupils. To do this, it has to:

- **set the structures for the delegation of its management functions**
- **set the limits of delegation at each level i.e., committee, Principal**
- **ensure that there are formal written procedures for handling complaints in relation to the school**
- **respect the role of the Principal and work with the Principal on all matters affecting the school**
- **ensure that it has all of the information necessary to make sound management decisions and that it seeks additional advice from the Education Authority (EA) School Support Services as necessary**
- **share responsibility for setting the agenda for its meetings**
- **adhere to the procedures for the conduct of business as set out in the scheme of management (and the procedures agreed for dealing with employment matters - chapter 9 refers)**
- **encourage the involvement of pupils in the development of school councils**

4.1. Under the law, the Board of Governors of a grant-aided school in the Northern Ireland is constituted as a body corporate. As a corporate body, the Board of Governors is legally liable for all decisions and actions taken in its name by a governor (and the Principal) or committees to which it has delegated functions. Access to advice, including on request legal advice, is available to assist the decision-making process. Further detail can be found from the schools Board of Governors or the schools Managing Authority.

4.2. School governors are expected to act in accordance with the 7 Principles of Public Life (see [Appendix 2](#)) when fulfilling their public duties. The school Board of Governors has a wide range of statutory duties and should be ready to explain its decisions to staff, pupils and parents and others to whom it is accountable. In doing so, the Board of Governors should act as a corporate entity and individual governors should respect the sometimes confidential nature of certain aspects of boardroom business in the best interests of the school and its staff and pupils.

4.3. The Board of Governors may delegate functions only in accordance with the requirements of the scheme of management for the school (see below) and the

financial memorandum for the school ([see chapter 8](#)). Decisions to delegate specific functions must be recorded in the minutes.

Role of the Principal

4.4. The strategic focus of the Board of Governors is on raising the quality of education in the school. Effective leadership within a school by the Board of Governors and the Principal working in close partnership is the key to raising standards.

4.5. The Board of Governors exercises its functions within a strategic framework. The School Development Plan which includes the school's education aims and objectives, the financial plan and the policies and targets for achieving the school's aims and objectives provides that framework. It is important that the Board considers the Principal's advice when agreeing this framework.

4.6. The Principal is responsible for the internal organisation, management and control of the school and for the implementation of the School Development Plan approved by the Board of Governors. A governor should not be involved in the day-to-day running of the school.

4.7. The Principal is the executive governor and should discuss all the main issues relating to the management and operation of the school with the Board of Governors. The Board of Governors, acting as a critical friend, should offer support and constructive advice. Governors can and should raise questions on the Principal's proposals or recommendations. They should, where appropriate, seek further information to enable them to make sound decisions on the basis of all the available facts. They should be confident that the Principal is providing all the information that the Board requires to enable it to fulfil its statutory obligations effectively.

4.8. The Principal is accountable to the Board of Governors for their performance in relation to their normal duties and for any functions delegated to them by the Board of Governors, in accordance with the scheme of management for the school. To assist the Board of Governors, the Principal must provide the Board with such reports in connection with the exercise of their functions, as the Board requires. The Principal has to ensure that the decisions of the Board of Governors are translated into action. At meetings, the Principal should:

- advise the governors on educational issues and all matters relating to the proper functioning of the school;
- submit regular reports, oral and written;
- submit a written annual report on the achievements and progress of the school.

4.9. The National Standards for Headteachers recognise the key role that the Principal plays in raising and maintaining levels of attainment in schools in order to meet the needs of every child within the framework of government.

'The core purpose of the Principal is to:

- provide professional leadership and management for the school;
- be the leading professional in the school;
- work with others to secure the commitment of wider community to the school;
- and

- create a productive learning environment that is engaging and fulfilling for all pupils, drawing on the support of the school community’.

4.10. The National Standards are set out in six non-hierarchical areas. These six key areas, when taken together, represent the role of the Principal:

- Shaping the Future;
- Leading, Learning and Teaching;
- Developing Self and Working with Others;
- Managing the Organisation;
- Securing Accountability; and
- Strengthening Community.

Role of the Chairperson

4.11. The Chairperson is responsible for the overall conduct of each Board of Governors or committee meeting. They should ensure that all its business is carried out in a structured manner and that all views are heard. Other than in the most extreme circumstances, every governor should be able to express a view and have it considered. The Chairperson must ensure that governors respect the confidentiality of the business discussed.

4.12. The Chairperson is responsible for agreeing the date, time, place and agenda of each meeting. The timing of meetings has to be consistent with deadlines for the decisions required on agenda items. Agenda items may reflect routine issues arising on the school calendar, but the Chairperson has to ensure that items that affect and promote the good governance of the school including raising standards are included.

4.13. Meetings must be quorate, and minutes must be taken and retained of the consideration of agenda items and the decisions made at each meeting and the reasons for those decisions. It must be evident from the minutes that there is an opportunity for governors to declare personal or pecuniary interests. In addition, the minutes of any committee meetings should be referred for information to the next Board of Governors meeting. It is in governors’ best interests to follow these procedures.

Scheme of Management

4.14. Every grant aided school must have a scheme of management that provides for:

- the membership and procedures of the Board of Governors;
- the management of the school and the functions to be exercised by the Board of Governors, the Principal and any other person or body specified in the scheme.

4.15. The scheme for each school must be consistent with education legislation and other statutory instruments including those relating to employment matters and except in so far as education legislation requires, any instrument of government for the school.

4.16. The scheme of management is an important tool which contributes to the effective governance of the school. The Board of Governors is required to operate in accordance with the scheme of management which reflects good

management practices and procedures. Each governor should have a personal copy of the current scheme that applies to the school.

4.17. The scheme of management enables the Board of Governors to establish committees and to delegate certain of its own functions to a committee or to the Principal. It is a matter for each Board of Governors to determine its own committee structures subject to the membership provisions in the scheme. Small schools may choose to operate committee structures only occasionally as the need arises. However, the appropriate use of committee structures will enable the Board of Governors to be more effective in its governance of the school.

4.18. Where a committee is established, the Board of Governors has to:

- define its membership having regard to the provisions in the scheme and the competences of the members in the functions of the committee;
- define the extent of the committee's delegated authority;
- ensure that it receives the minutes of the committee;
- review the committee's membership and remit regularly, and at least every four years.

4.19. A committee should report its recommendations or, as appropriate, its decisions to the Board of Governors.

4.20. The Board of Governors may delegate functions to the Principal in accordance with the scheme of management. The functions that should not be delegated by the Board of Governors either to a committee or to the Principal include the approval of:

- the School Development Plan
- the School's annual and triennial Financial plans
- the levels of expenditure that may be authorised by a committee, the Principal or a Bursar
- the investigation of financial irregularities
- the school's admissions criteria
- a proposal to change the character or size of the school
- the co-option of governors and the appointment of parent governors (further information is contained in [chapter 3](#))
- the appointment or removal of the Chairperson or Vice-Chairperson
- the appointment, suspension, the cessation of a suspension, the dismissal and the outcome of an appeal against the dismissal of the Principal

Pupil Participation

4.21. Many schools have established participation structures, including School Councils as a way to enable pupils to express their views and have a real say in issues which affect them and the wider school community.

4.22. The Department is committed to encouraging all schools to find meaningful ways of giving their pupils a voice and of listening and responding to the views of young people, however, it does not wish to be overly prescriptive on this matter. It is for individual schools to identify the method and degree of participation which best suits the needs of their pupils.

4.23. [School Circular 2014/14](#), available on the DE website, provides guidance for Principals and Boards of Governors on how to encourage pupil participation in decision making in schools and explains how successful and effective participation can be achieved. The DE website has further information including guidance on the establishment and operation of [School Councils](#) issued by the NI Commissioner for Children and Young People. The Board of Governors is encouraged to use the available guidance to support the development of genuine engagement with pupils in its own school.

Visits to the School

4.24. It is recognised that governors may need to visit the school from time to time in order to extend their knowledge and to assist them to fulfil their statutory responsibilities. These visits should be arranged in advance with the Principal. Each visit should have a purpose and be planned to cover a range of schoolwork. Visits by governors can be useful but do not replace the monitoring and evaluation carried out by the Principal.

The Law

Education and Libraries (NI) Order 1986 - Article 9A-D, as inserted by Article 123 of the Education (NI) Reform Order 1989 (*Schemes of Management for Grant-aided Schools*)

Education and Libraries (NI) Order 1996, Article 40 and Schedule 4 (the Incorporation of School Boards of Governors)

Public Services Ombudsman Act (Northern Ireland) 2016.

Guidance

DE Circular 1996/31: Incorporation of Boards of Governors

DE Circular 2014/14 : Pupil Participation

<https://www.education-ni.gov.uk/publications/circular-201414-pupil-participation-0>

NICCY Pupils' Voices: Making a Difference

<http://www.niccy.org/professionals-practitioners-policymakers/participation/pupilsvoices-pupil-participation-in-schools/>

National Children's Bureau's Participation Support Programme:

<https://www.ncb.org.uk/participation-support-programme>

5. Promoting Equality, Good Relations and Diversity

This chapter outlines the role of the Board of Governors of a grant-aided school in relation to the promotion of equality, diversity, good relations and Targeting Social Need.

The Role of the Board of Governors

The role of the Board of Governors is to promote equality, diversity, good relations and to comply with education, employment legislation, antidiscrimination, human rights and equality legislation that affect its statutory duties.

Section 75 and the Equality Duties

5.1. While schools are not directly subject to equality duties, contained in Section 75 of the Northern Ireland Act 1998, all designated Public Authorities (including the Council for Catholic Maintained Schools, the Department of Education and the Education Authority) are obliged to have:

- (1) due regard to the need to promote equality of opportunity between persons of:
 - different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - between men and women generally;
 - between persons with a disability and persons without; and
 - between persons with dependants and persons without.
- (2) regard to the desirability of promoting good relations between persons of different
- (3) religious belief, political opinion or racial group.

All policies, guidance etc., from designated Public Authorities are developed/revised within the context of the equality duties. Schools, when implementing such policies or following such guidance, should be aware of this context.

Anti-Discrimination

5.2. It is unlawful for schools to discriminate on any of the following grounds:

- [Gender/sex](#);
- [Sexual orientation](#);
- [Race](#); or
- [Disability](#).

On the above grounds, there is also a general duty that there must be no discrimination in the provision of school facilities.

Community Relations, Equality and Diversity

5.3. The Department introduced its Community Relations, Equality & Diversity in Education (CRED) policy in 2011 [Community Relations, Equality and Diversity Policy | Department of Education \(education-ni.gov.uk\)](#) which aims to enhance relations by educating young people and equipping them with the skills to value difference, and to develop self-respect and respect for others, applicable to all groups identified in Section 75 of the 1998 Northern Ireland Act.

Shared Education

5.4. Linked closely with CRED policy, Shared Education provides opportunities for children and young people to learn with (and about) their peers from different backgrounds. Please see Chapter 24 for further detail.

Inequalities in Education

5.5. Both [A Fair Start](#)¹ and the ETI publication [Stepping Up and Stepping Forward: A Series of 10 Learning Insights](#) acknowledge efforts in supporting learners affected by socio-economic disadvantage and success in closing attainment gaps.

5.6. The Equality Commission for Northern Ireland in [Key Inequalities in Education: Statement](#) while welcoming progress in advancing educational outcomes (and recognising the role of educational, home and community environments in advancing outcomes) also state the need for further work and identified six key inequalities in education:

1. Bullying, including prejudice-based bullying, in schools;
2. Males continue to have lower levels of attainment than females, beginning in primary school and continuing throughout schooling to GCSE and A Level. Fewer male school leavers enter higher education than do females;
3. Protestants continue to have lower levels of attainment than Catholics at GCSE, GCSEs including English and Maths, and A Level. Fewer Protestant school leavers enter higher education than do Catholics;
4. There is persistent lower achievement and lack of progression to further and higher education of school leavers entitled to free school meals, particularly Protestants, notably Protestants males;
5. Children from the Traveller community and Roma children have some of the lowest levels of attainment of all equality groups; and

¹ [A Fair Start Report Page v](#)

6. Students with special educational needs (SEN) or a disability have lower attainment levels than students without any SEN or disability and are less likely to go on to higher education.

5.7. Other educational disparities exist such as the low number of female pupils taking ICT/software qualifications. In post-primary schools, from 2015-16 to 2019-20, there was a reduction of approximately 64% of female pupils taking the CCEA GCSE Digital Technology (from September 2016) in comparison to the previously offered ICT qualification. In further education colleges, over the same period, the number of females studying qualifications in ICT decreased by around 40%.

5.8. Further details of the challenges identified by the Equality Commission can be found in [education policy priorities and recommendations](#). Publications produced by Statistics and Research Team on behalf of the Department can be found at <https://www.education-ni.gov.uk/topics/statistics-and-research-1>

5.9. The Education Authority have developed an Audit of Inequalities, which is a comprehensive research document highlighting the key inequalities faced by children and young people in education. This document can be found at <https://www.eani.org.uk/about-us/equality>

A Fair Start

5.10. On 1 June 2021, the Department of Education published the Expert Panel on Educational Underachievement's Final Report and Action Plan - "[A Fair Start](#)". This was endorsed by the Executive on 27 May 2021. As set out in New Decade, New Approach and the subsequent Terms of Reference, this was an independent panel, tasked with bringing forward recommendations and a costed Action plan.

5.11. The Action Plan contains 47 actions spanning a number of departments including Education, Health, the Executive Office, Department for the Economy, Department for Communities and numerous Arm's Length Bodies involving collaboration across the public sector and beyond.

5.12. It is important for Boards of Governors to familiarise themselves with this report and to seek updates from school principals as to its relevance to the work of each school and the extent to which each school has considered the actions within the report. The [Progress report on A Fair Start Report and action plan](#) can be found on the DE website. On-going delivery of the actions is dependent upon budget.

Covid-19 and Education

5.13. The Covid-19 pandemic caused extensive disruption to education and training across the world. International research evidence suggests that despite provision of remote learning, students experienced significant learning losses due to school closures and a reduction of in-school instruction time. There is both an absolute reduction in learning levels and less progress than would be expected in a typical year².

² See [AQW 28667/17-22](#)

5.14. The Northern Ireland Commissioner for Children and Young people's report [A New and Better Normal: Children and Young People's Experiences of the Covid-19 Pandemic \(NICCY. 2021\)](#) details the significant, negative impact of the pandemic on the health and wellbeing of particular children.

5.15. The Equality Commission's Covid 19 education recommendations can be found in [COVID-19 and Education](#)

Targeting Social Need

5.16. The Department of Education currently provides more than £75m of Targeting Social Need (TSN) funding to schools each year. This is allocated as part of core school budgets, in recognition of the additional challenges and costs involved in supporting children and young people from disadvantaged backgrounds as well as those at risk of educational underachievement.

5.17. TSN resources are specifically provided to enable schools to provide appropriate support to disadvantaged and underachieving pupils so that they can achieve their full potential. In striving towards this goal, TSN resources are used in a variety of ways by schools in accordance with their own identified priorities, enabling them to be responsive to the needs of pupils, parents, families and the wider community.

5.18. An online [TSN Planner](#) has been developed to help schools capture a range of information about the use and impact of TSN funding which will assist schools in planning their teaching and learning for the year ahead as well as helping to promote and disseminate good practice.

Boards of Governors are encouraged to take an interest in this area, to ask questions about how these resources are being used and to ask school principals for evidence as to the effectiveness of the use of these resources.

The TSN planner must be completed in full by every school by 30 June each year. When completed DE/EA will have access to all forms through the online planner app. Schools may wish to keep record of their own plans for their own records

5.19. Inspection evidence from schools here, and wider research, shows that disadvantage is not an insurmountable obstacle and nor should it be an excuse for underachievement. Schools can, and do, make a difference through promoting high aspirations of achievement and demonstrating effectively the characteristics of good schooling (identified as child-centred provision, effective leadership, high quality teaching and learning, and effective links with the community). These are central to the Department's policy approach and are features which need to become successfully embedded in all schools to enable every young person to fulfil their potential.

5.20. DE is committed to promoting equality for all children and young people throughout their time at school. The Department has a vision for the education sector which is to see:

“Every young person achieving to his or her full potential at each stage of his or her development”

5.21. The latest [progress report on A Fair Start Report and action plan](#) can be found on the DE website.

Updates will be provided the NI Executive and NI Assembly every six months (June and December each year).

The Role of the Board of Governors

5.22. Under Articles 17 and 18 of the Education and Libraries (NI) Order 2003, Boards of Governors are subject to statutory duties to safeguard and promote the welfare of registered pupils and to protect pupils from abuse, whether at school or elsewhere and review these measures from time to time. A further obligation is to prepare a written statement of such measures and to ensure that copies of the statement are available for inspection at the school.

5.23. The self-evaluation proforma contained in [Safeguarding guidance and proforma - Nursery, Primary, Post-primary, Special Education schools and EOTAS centres \(ETI\)](#) is designed to help schools to review and quality assure the extent to which they comply with child protection /safeguarding requirements and how arrangements reflect best practice in all aspects of safeguarding children and young people.

Sections 8 -10 of the pro-forma seeks confirmation of:

- “There is an ethos and culture of inclusion and respect in the school/centre for all pupils, irrespective of race, religion/belief, political views, gender, gender identity (e.g., transgender) and sexual orientation (LGBTQ+), *EOTAS pupils and Children Looked After.
- “The school plans actively to identify and support the emotional health and wellbeing needs of the pupils and staff in line with the DE Emotional Health and Wellbeing Framework”.
- “Does your preventative curriculum address in age-appropriate ways, healthy and respectful relationships, including respectful language, behaviours and consent?”

5.24. The Inspection and Self-evaluation Framework (ISEF) is a resource to support governors in their on-going process of self-evaluation and to provide transparency in the inspection process by the publication of key indicators of effective practice. The resource can be found in the DE website under [Effective Practice and Self-Evaluation: Questions for Governance](#).

5.25. The Board of Governors should take an active role regarding the issue of regular pupil attendance during the school year. They should understand and support schools in undertaking pro-active measures to ensure that the importance of regular pupil attendance is understood by everyone. The following policy links may be useful:

- [Circular 2021/16 - Attendance guidance and absence recording by schools Department of Education \(education-ni.gov.uk\)](#)
- [The Challenge of Improving Pupil Attendance at School - Case Studies paper - November 2018 | Department of Education \(education-ni.gov.uk\)](#)
- [Miss school, miss out | nidirect](#)

5.26. The Education Authority's [Equality and Diversity Policy – For Schools](#) can help schools to demonstrate that they have an ethos and culture of inclusion for pupils.

Uniforms

5.27. The Department of Education Circular 2011/04 sets out that 'schools should ensure that their school uniform policy is 'fair and reasonable, in practical and financial terms, and should have regard to their duties under relevant equality and other legislation'. When reviewing uniform policy, it is recommended that schools consult widely and consider the effect the proposed policy might have on the various groups in the school.

Once the uniform policy has been agreed, schools are required to consider carefully any request for an exception to be made for any individual pupil on the grounds of religion, race or a medical condition.

It is recommended that schools adopt a flexible approach to meet the needs of a pupil who may need adjustments due to religion, ethnic background or gender status.

Promoting the Use of the School in the Community

5.28. The Board of Governors has a role in promoting the use of the school in the local community. Schools are increasingly taking on a greater leadership role in the communities that they serve. Schools are an ideal resource to lead communities to improve good relations issues. The following link may be useful: [Community use of school premises | Department of Education \(education-ni.gov.uk\)](#)

It is worth noting that within the report "A Fair Start", within Key Area 4 "Promoting a whole community approach to education", there is reference to the following:

KA4 (iii) "DE should co-design a specification for a whole community, partnership approach entitled the "Reducing Educational Disadvantage" (RED) programme. This should be strategic in scale and collaborative in nature, mandating co-design and the building of authentic partnerships between schools and communities using a placebased approach". (Page 45).

EA Equality & Diversity Unit

5.29. The EA [Equality & Diversity Unit](#) is responsible for facilitating equality, diversity, good relations and human rights within the EA. The Unit provides high quality bespoke Equality and Human Rights advice and training to support EA in delivering better educational outcomes for Northern Ireland's children and young people. The Unit also develop and lead on best practice diversity initiatives across EA.

Other Guidance/Resources

- [Disability Discrimination: Code of Practice for Schools \(ECNI. 2006\)](#)

- [Guidance for Schools, EOTAS Centres, and Youth Service on supporting](#)

Transgender Young People (EA. 2019)

- The Human Rights Act 1998 - Article 2 of the First Protocol: Right to education
- Children's Human Rights (nidirect)
- Children's Rights and Educational Policy in Northern Ireland: Implementation of the UNCRC (Research and Information Service. 2021)

6. Education Standards

This chapter describes the role and responsibilities of the Board of Governors in relation to educational standards in the school. It also explains the role of the Education and Training Inspectorate (ETI) and the Department of Education (DE) in relation to raising education standards across all schools.

The Role of the Board of Governors

The strategic role of the Board of Governors of a grant-aided school is to fulfil its functions in relation to the school with a view to promoting the achievement of high standards of educational attainment. The vision and aims set for the school, the school ethos, and the plans and policies agreed for the school all have the potential to contribute to the raising of education standards. In addition, the Board of Governors should work with the school Principal in monitoring and evaluating the school's performance and to promote self-evaluation as a means to achieve school improvement.

6.1. The role of the Board of Governors is to help the school Principal and staff, provide the best possible education for all the pupils. It requires strong and effective governance within schools to help maintain and improve standards.

6.2. In terms of the specific role for the Board of Governors in relation to school improvement, it has the responsibility for ensuring that the Principal and the staff put in place all the necessary arrangements and mechanisms to help all pupils succeed and to achieve their full potential. While DE and the Education Authority (EA) are accountable for overall standards, it is the school and its Board of Governors that is accountable for the standards achieved by its own registered pupils. These are some of the measures which governors can take in fulfilling this role:

- acquire an in-depth knowledge of the school, its Principal and senior management team, its staff and standards achieved by the pupils
- become part of a strong and effective leadership team of the school ([chapter 3](#))
- promote strong links with parents, families and the community ([chapter 3](#) and [chapter 21](#))
- ensure the school provides effective teaching and learning in the context of the curriculum ([chapter 7](#))
- monitor the school's performance and address under performance at the earliest opportunity (see paragraphs 6.3 to 6.5 below)
- promote the effective use of data to support target setting (at pupil, class and whole-school level) and assessment for learning (see paragraphs 6.6 to 6.9 below)
- promote regular and robust self-evaluation (see paragraphs 6.10 to 6.11 below)
- promote effective school development planning (see paragraphs 6.12 to 6.18 below)

Monitoring School Performance and Addressing Underperformance

6.3. There are many useful ways of measuring performance which take account of the school's circumstances and seek to measure the value-added dimension. The governors, working with the Principal, must decide which key indicators they wish to monitor and make arrangements for the Principal to provide the appropriate data at suitable times.

6.4. The following indicators can be used in determining school performance and highlighting areas for improvement:

- curriculum assessments, including end of key stage assessments, tests and/or public examination results
- performance in literacy and numeracy outcomes
- performance of pupils entitled to free school meals
- breadth and coherence of curriculum offer (at post-primary)
- pupil attendance
- suspensions and expulsions
- pupil involvement in extra-curricular activities
- number of applications for admission
- destination of school leavers
- staff attendance

6.5. ETI Inspection Reports should also be taken into account. Indicators which are harder to quantify, but which may be assessed through judgemental evidence or small surveys/questionnaires include:

- pupil behaviour and attitudes
- staff morale and commitment
- the views and involvement of parents and the community

6.6. In addition to monitoring the effectiveness of the school as a whole, the Board of Governors should satisfy itself that all parts of the school are contributing to its overall effectiveness. It may also find it helpful, on the basis of available information, to compare aspects of the performance of its own school against those of other schools in similar circumstances. It is fully recognised that this is much more difficult at present given the impact of the pandemic which has resulted in varying levels of disruption to children's education; the suspension of Key Stage Assessment arrangements to relieve administrative burden and also the cancellation of public exams in 2020 and the subsequent two years of alternative awarding.

6.7. Having monitored the school's performance, the Board of Governors should liaise with the Principal and staff in developing appropriate actions to move the school forward towards improvement. This process of evaluation and planning for improvement is central to school development planning.

Promoting the Effective Use of Data to support Target Setting and Assessment for Learning

6.8. The effective use of data, for the purpose of monitoring and evaluating performance and setting targets for future development, is an important element in determining whether a school is doing well, or not doing well enough. The Board of Governors, again, has an important role in this area.

6.9. The effective use of data enables schools to:

- track progress of individual pupils, classes and year groups
- identify where gaps in performance exist (socio-economic background, boys and girls, children with or without SEN between and within subject departments (postprimary schools))
- monitor and evaluate to inform development planning – from identifying priorities to demonstrating success of actions taken, to target-setting and benchmarking
- hold teachers and departments accountable for performance
- inform more effective allocation of staff and resources

6.10. Pre-pandemic, schools were provided annually with benchmarking data to enable them to compare their performance in assessments and in public examinations with schools with similar characteristics, e.g., the socio-economic background of their pupils, as measured by entitlement to free school meals. At present such benchmarking data is not available due to the impact of the pandemic on assessment arrangements.

Schools are nonetheless encouraged to use the full range of information that is currently available to them; this will include, pupil attainment data held within the school (including standardised test results).

6.11. This data should be interrogated effectively by the Board of Governors and the Principal and senior management should be held to account for the school's performance. The Board of Governors need to be pro-active in seeking this information from the school management, along with a range of analyses that enable them to understand how the school is performing. The targets for improvement identified in the school development plan, for which the Board of Governors also has responsibility, should be based firmly on the analysis of this data.

6.12. Schools are required by legislation to set their own targets for improvement, including targets for literacy and numeracy, and include these in the School Development Plan. It is up to individual schools to set their own realistic but challenging targets, based on their current performance trends and plans for improvement. When setting targets, schools will wish to take into account a range of factors, including:

- the impact of the disruption caused by the pandemic
- trends in performance by the school over previous years accounting for the disruption of the pandemic
- the prior attainment of each year group
- the context within which the school is operating and how it compares to schools in similar circumstances
- the priorities set in the School Development Plan

- the performance of pupils entitled free school meals

Promoting Regular and Robust Self-Evaluation to Sustain School Improvement

6.13. School improvement is most likely to be sustained when a school establishes a positive culture, an ethos of aspiration and a commitment to professional growth. Selfevaluation is a process through which an individual teacher, groups of staff, the staff as a whole and senior management reflect on their current practice, identify and celebrate the strengths of the school and identify and address areas for improvement in their work.

6.14. The process involves monitoring and evaluating the effectiveness of existing education provision and the pupils' achievements as described above. It recognises the need for the staff and governors to have a clear and agreed view of the school's current stage of development. Through school development planning, it helps to identify priorities which will have a positive effect on learning. It informs and influences classroom practice and the quality of learning and teaching and promotes development and improvement. It requires the staff to evaluate their work critically, reflect on the extent to which expectations are being realised in the work of the school, and to establish a clear vision and future direction for the school.

School Development Planning

Promoting School Development Planning to sustain School Improvement

6.15. The School Development Plan provides the strategic framework within which the governors, the Principal and the staff can monitor, evaluate and improve the nature of the school's curricular and other provision and the standards achieved by pupils, making effective use of all the school's available resources.

Responsibilities of the Board of Governors

6.16. The Board of Governors of each grant-aided school is required to:

- prepare, maintain and review on a regular basis the 3-year School Development Plan in consultation with the Principal and having regard to guidance given by the Department and the EA. The plan has to be revised no later than 3 years from the date of the last plan and no later than 6 months from the date of publication of the report of an inspection of the school. [It should be noted that since the 2020/21 academic year the Department has allowed schools a more flexible approach to school development planning due to the Covid 19 situation.]
- ensure that each governor, the principal and each staff member have a copy of the plan
- submit a copy of the plan to the EA and to CCMS in the case of Catholic Maintained schools and a copy to CSSC in the case of Controlled schools.
- ensure that a copy of the plan is available on request and free of charge at all reasonable times to any person

6.17. The preparation of the plan or a draft of the plan may be delegated to the

Principal, but the plan must be formally approved by the school Board of Governors. Boards of Governors can take a much more active role in formulating the plan and are encouraged to do so. It is the responsibility of the governors to ensure that all the necessary arrangements and mechanisms are in place to help pupils succeed and to achieve their full potential.

Purpose

6.18. The School Development Plan is a document for use by the school. It is essentially a tool to help the staff to promote school effectiveness; improve the quality of learning and teaching; improve the educational experience of the pupils; and to raise the standards which pupils attain. It is based on the school's analysis of current levels of performance and its assessment of how current trends and future factors may impact on the school. It should set out priorities and targets for improvement for the period ahead.

Content

6.19. The matters to be included in a School Development Plan are set out in the schedule to The Education (School Development Plans) Regulations (NI) 2010. These regulations came into operation on 24 January 2011. The 2010 regulations aim to ensure a greater emphasis on raising standards and minimising the burden for schools. Further information is provided in [DE Circular 2010/22](#).

6.20. The overall aim of the regulations is to continue to promote effective development planning to bring about improvement in standards. The Department wants to ensure that:

- the focus of school development planning is on raising standards
- planning for improvement is supported by planning for the effective use of financial and other resources
- the process of self-evaluation and development planning is manageable and provides flexibility for schools to determine their own priorities

Shared Education

6.21 For those schools involved in Shared Education partnerships, it is essential that such provision is embedded within the 3-year School Development Plan, including how it contributes towards school improvement and raising standards. Best practice in School Development Planning includes actions to further develop Shared Education taking into account the common and complementary needs of all partners and balancing local priorities.

6.22. Guidance is available to assist partnerships in assessing the quality and extent of their Shared Education provision and to plan for improvement. These [self-evaluation frameworks](#), developed by the Education and Training Inspectorate, are formulated around four pillars of effective performance 1) 'Learner Centred', 2) 'High Quality Teaching and Learning', 3) 'Effective Leadership' and 4) 'Community Connections', aligned with the characteristics set out in Every School a Good School (explored in further detail later in this Chapter). For more information on Shared Education, please refer to [Chapter 3](#) and [Chapter 24](#) in particular.

Guidance and Support

6.23. Guidance is listed at the end of this chapter to assist school Boards of Governors to take forward the process of school development planning and target setting in primary and post-primary schools. Guidance includes the DE publication 'Every School a Good School – School Development Planning 2010'. Advice and training for governors on school development planning is available from the EA. Boards of Governors will find it useful to draw on the wider experience of EA officers and to attend guidance/awareness events organised by the EA.

The Role of ETI

6.24. ETI is a unitary inspectorate, which provides an independent inspection and policy advice service. Whilst ETI is formally a part of the Department of Education (DE), it also assists the Department for the Economy (DfE) and other commissioning Departments which in the discharge of their responsibilities and provides policy advice to the Ministers and officials in these Departments.

Education Standards in Schools

6.25. ETI evaluates and reports on the quality of leadership and management, outcomes for learners and quality of provision in early years; primary and post-primary schools; special education; further education; work-based learning; European Social Fund projects; youth; initial teacher education; and education other than at school (EOTAS), as well as policy, planning and improvement work. It undertakes individual organisation inspections as well as cross-cutting thematic evaluations.

The School Inspection Process

6.26. The School Inspection Process is an external evaluation by the ETI of the quality of the education or training provided for registered pupils in individual schools and the outcomes that they achieve. Schools are scheduled for inspection on a proportionate to risk basis. Also, the ETI will consider a request from a Board of Governors for an inspection to assist the governors to take forward school improvement.

6.27. The Reporting Inspector will arrange to meet the Chair or representative of the Board of Governors during the inspection. This meeting provides the opportunity for the ETI to hear the views of the Board of Governors about the school. The procedure for this meeting is set out in the school's scheme of management. The ETI gains information and views from pupils, parents, staff and governors through questionnaires and discussions. Inspectors observe learning and teaching, and review samples of the children and young people's work. The ETI does not require you to produce additional information or documentation specifically for the purposes of inspection. Inspection guidance and support materials are available at the [ETI website](#)

6.28. An inspection will tell the Board of Governors and others how well:

- The children are progressing in their learning
- The school is helping them to learn and develop
- The school is attending to the children's care, welfare and safety

6.29. The Reporting Inspector will report back the findings of the inspection team at a meeting with representatives of the school. At this meeting the ETI will indicate the extent of improvement required. The Board of Governors will receive a copy of the final inspection report and if there are important areas for improvement, the governors will be required to prepare a response within specific deadlines and a follow-up inspection will take place. Additional information is available in the ETI publication entitled “What Happens After an Inspection” on the ETI website
<https://www.etini.gov.uk/articles/whathappens-after-inspection>

6.30. The Board of Governors is required to ensure that parents of its registered pupils are provided with the opportunity to read the report of the latest inspection of the school. The school and its governors will be notified by ETI when a report of a recent inspection is placed on the ETI website. On receipt of this notification, the governors should ensure that parents receive details of the web-link to the report, which will be included in the letter of notification to the school. In addition, information should be on the school notice board of when and where parents will have the opportunity to read a paper copy of the ETI report, should they wish to do so.

The Role of DE

6.31. The role of DE is to set strategic aims for the education service and to develop policies and proposals for legislation that will make provision for these aims to be achieved. The Department has developed a new five-year Corporate Plan, **Every CHILD**, which is intended to provide a clear strategic focus in the medium-to-long term. It outlines our priorities and will help us focus our efforts on making the best difference for children and young people in the context of finite resources. DE's vision is that every child and young person is happy, learning and succeeding.

6.32. When formulating education policies, the DE has regard to ETI reports, national and international education standards, national and international legislation on human rights and equality as well as the needs and expectation of employers and local, national and international economic considerations.

6.33. The Department's policies that seek to promote the highest possible attainment for all pupils and close the attainment gap include:

- Every School a Good School – our school improvement policy
- Count, read: succeed – the literacy and numeracy strategy;
- The Statutory Curriculum
- The Learning to Learn Framework
- Learning Leaders: A Strategy for Teacher Professional Learning

School Improvement Policy

6.34. ‘Every School a Good School (ESaGS) – a policy for school improvement’ (currently under review) is based on the premise that every school is capable of improvement. The vision of the policy is ‘of schools as vibrant, self-improving, well governed and effectively led communities of good practice, focusing not on institutions but on meeting the needs and aspirations of all pupils through high quality learning, recognising the centrality of the teacher.’ The policy sets out the characteristics of a successful school:

- child centred provision
- high quality teaching and learning
- effective leadership
- a school connected to its local community

6.35. The policy clearly recognises the importance of strong and effective governance and leadership within schools in helping to maintain and improve standards. The policy is centred on the following six key areas:

- effective leadership and an ethos of aspiration and high achievement
- high quality teaching and learning
- tackling the barriers to learning that many young people face
- embedding a culture of self-evaluation and self-assessment and of using performance and other information to effect improvement
- focusing clearly on support to help schools improve – with clarity too about the place of more formal interventions where there is a risk that the quality of education offered in a school is not as high as it should be
- increasing engagement between schools, parents and families, recognising the powerful influence they and local communities exercise on educational outcomes

6.36. There will be a clear focus on high-quality support to help schools improve. In cases where there is evidence through inspection that pupils are not receiving a highquality education there will be a need for more formal intervention (set out in Annex C of the ESaGS policy document – revised August 2015).

6.37. DE is supported in implementing the ESaGS policy by the EA, CCMS, CCEA and the ETI. The ESaGS policy document is available via the Department's website. Schools and their Boards of Governors should reflect on the policy, and consider how, with support from the education support bodies, they might give effect to its vision as they plan for improvement.

<https://www.education-ni.gov.uk/publications/every-school-good-school-policy-schoolimprovement>

Literacy and Numeracy Strategy

6.38. Raising standards in literacy, numeracy, and tackling underachievement, is a key priority for DE. '*Count, read: succeed*' is DE's literacy and numeracy strategy. The strategy will be reviewed in due course.

6.39. This strategy aims to ensure that all young people leave school having achieved the appropriate standards in literacy and numeracy, by focusing on raising standards of achievement for all pupils and narrowing the gaps between the highest and lowest achievers and the most and least disadvantaged.

6.40. The strategy is based on existing good practice in schools and the starting point is high quality classroom teaching of literacy and numeracy for all pupils. Key elements include early identification and support if a child is having difficulties with literacy and/or numeracy, encouraging greater parental involvement in their child's education and a greater emphasis on the effective use of data in supporting teaching and learning. The strategy takes account of the specific needs of the Irish-medium sector. Chapter 6 of 'Count, read: succeed' provides a synopsis of the advice provided by the working group on Literacy and Numeracy in Irish-medium Education which informed the strategy. The strategy is available on the Department's website:

[Count, Read: Succeed - A Strategy to Improve Outcomes in Literacy and Numeracy](#)

6.41. The Education and Training Inspectorate (ETI) has published a number of documents identifying good and innovative practice relating to the teaching and learning of literacy and numeracy. These can be found on the ETI website:

<https://www.etini.gov.uk/publications/best-practice-guidelines-literacy-provision-postprimary-level-and-best-practice>

The Law

Primary Legislation - Education Order 1998 – Articles 11(1) and 13(3)

Subordinate Legislation - The Education (School Development Plans) Regulations (NI) 2010 (*came into operation on 24 January 2011*)

The Education (Target-Setting in Schools) Regulations (NI) 1998

Guidance

'Every School A Good School' (*DE Policy Document*)

<https://www.educationni.gov.uk/publications/every-school-good-school-policy-school-improvement> Every School a Good School – School Development Planning 2010 (*DE publication*) <https://www.education-ni.gov.uk/publications/every-school-good-school-schooldevelopment-planning-guidance>

DE Circular 2010/22: School Development Planning – Regulations and Guidance

<https://www.education-ni.gov.uk/publications/circular-201022-school-developmentplanning-regulations-and-guidance>

Count, Read: Succeed – A Strategy to improve Outcomes in Literacy and Numeracy

<https://www.education-ni.gov.uk/publications/count-read-succeed-strategy-improveoutcomes-literacy-and-numeracy>

[Guidance on School Development Planning for 2021/2022 | Department of Education \(education-ni.gov.uk\)](#)

A Joint Report by the ETI and DES Inspectorate on Promoting and Improving Literacy in Post-Primary Schools (April 2015) <https://www.etini.gov.uk/publications/joint-reportby-eti-and-des-how-best-promote-and-improve-literacy-and-numeracy-our>

A Second Report on the Follow Up to Better Mathematics: A report on Post-Primary Mathematics Provision 2010-2014 (October 2014)

<https://www.etini.gov.uk/publications/second-report-follow-better-mathematics-reportpost-primary-mathematics-provision-2010-14>

Information to help school governors in implementing a rigorous and effective selfevaluation process as part of their own quality assurance arrangements:

<https://www.etini.gov.uk/publications/school-governance>

The Reflective Teacher - <https://www.etini.gov.uk/publications/reflective-teacher>

Inspection and Self-evaluation Framework - <http://tinyurl.com/ISEF-Page>

ETI Survey / Evaluation reports represent the findings from inspections and incidental visits to schools across all districts. Particular surveys / evaluations are arranged to gain evidence on a specialist area of the curriculum or on matters of priority interest:

<https://www.etini.gov.uk/publications/type/surveys>

ESaGS.tv was set up with the aim of supporting school improvement by sharing models of best practice - www.esags.tv

Other Models for Self-Evaluation

Investors in People (IiP)

Charter Mark

EFQM Excellence Model

Self-Evaluation through Attitude Questionnaire (SETAQ) Schoolcentre.net (via RTU site) online

Sharing Works – A policy for Shared Education

<https://www.education-ni.gov.uk/publications/sharing-works-policy-shared-education>

Developing Shared Education - A Framework for School Partnerships (ETI)

<https://www.education-ni.gov.uk/publications/developing-shared-education-frameworkschool-partnerships-november-2014>

Developing Shared Education in Early Years Settings – A Framework for Collaborative Partnerships (ETI)

<https://www.education-ni.gov.uk/publications/developing-sharededucation-early-years-settings-framework-collaborative-partnerships-2016-2017>

What Happens after Inspection (*published by the ETI*)

<https://www.etini.gov.uk/articles/what-happens-after-inspection>

Further information on Educational Standards can be found by contacting the School Improvement Team and they can be contacted via email at DEsit@education-ni.gov.uk

7. Northern Ireland Curriculum

This chapter describes the roles and responsibilities of the Board of Governors and the Principal in relation to the curriculum, assessment and reporting.

The Role of the Board of Governors

The role of the Board of Governors and the Principal is to exercise their respective functions in relation to the school so as to ensure that the Northern Ireland curriculum:

- is effectively delivered as required by law
- is balanced and broadly based
- includes religious education and the minimum content for the areas of learning required by law
- meets the statutory requirements of the Entitlement Framework
- provides for pupils to be assessed as required by law
- arrangements are in place for handling complaints

The Board of Governors has to determine and keep under review its policy in relation to the curriculum; that policy must be compatible with the law and the school Board must have regard to that policy when carrying out its management functions in relation to the school.

7.1. The curriculum of the school has to be a balanced and broadly based curriculum which:

- promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at the school and thereby of society
- prepares such pupils for the opportunities, responsibilities and experiences of life by equipping them with appropriate knowledge, understanding and skills

Whole Curriculum Aim and Objectives

7.2. The Northern Ireland statutory curriculum is provided for in The Education (NI) Order 2006 and in the Education (Curriculum Minimum Content) Order (NI) 2007. The Northern Ireland curriculum is intended to better prepare young people for life and work and has a greater emphasis on skills as well as knowledge and understanding. It is more flexible than previously and gives schools scope to tailor their teaching to meet the needs of the pupils in their class.

Aim

7.3. The Northern Ireland Curriculum and the Entitlement Framework aims to empower young people to achieve their potential and to make informed and responsible choices and decisions throughout their lives.

Objectives

7.4. The learning opportunities provided through all stages of the Curriculum should enable teachers to help young people to develop as individuals, contributors to society and to the economy and the environment as shown below.

Individuals	Contributors to Society	Contributors to the Economy and Environment
<i>Personal and Mutual Understanding</i> - develop self-confidence, self-esteem and self-discipline; - understand their own and others' feelings and emotions; - develop the ability to talk about how they feel; - develop their motivation to learn, and their individual creative potential; - listen to and interact positively with others; - explore and understand how others live; <i>Personal Health</i> - have an understanding of healthy eating and the importance of exercise; - develop positive attitudes towards an active and healthy lifestyle, relationships, personal growth and change; - become aware of key issues which affect their physical, social and mental well-being and that of others; - develop an awareness of their own personal safety; <i>Moral Character</i> - develop an awareness of right and wrong; - develop an awareness of how their actions can affect others; - understand that values, choices and decisions should be informed by a sense of fairness; - take responsibility for their actions; - develop tolerance and mutual respect for others; <i>Spiritual Understanding</i> - develop a sense of awe and wonder about the world around them.	<i>Citizenship</i> - become aware of some of their rights and responsibilities; - become aware of some of the issues and problems in society; - contribute to creating a better world for those around them; <i>Cultural Understanding</i> - develop an awareness and respect for: -the different lifestyles of others; -similarities and differences in families and people in the wider community; - understand some of their own and others' cultural traditions; - be aware of how we rely on each other; <i>Media Awareness</i> - be aware of, and use, information available to us through all sorts of media; - become aware of the potential impact of media in influencing our personal views, choices and decisions; <i>Ethical Awareness</i> - become aware of the imbalances in the world around us, at both a local and a global level; - become aware of the potential impact of developments upon the lives of others.	<i>Employability</i> - develop literacy, numeracy and ICT skills; - develop their aptitudes, abilities and creativity; - be willing to expand their learning and performance throughout their lives; - work independently, and as a member of a team, - developing perseverance, initiative and flexibility; - be willing to take calculated risks when appropriate; - use critical and creative thinking to solve problems and make decisions; - identify the main reasons why people set up their own business; <i>Economic Awareness</i> - learn to manage their money and build up savings; - interpret information in order to make informed choices as consumers; - develop an understanding of the importance of using resources carefully in the classroom; - develop an awareness of some environmental issues. <i>Education for Sustainable Development</i> - appreciate the environment and their role in maintaining and improving it; - understand how actions can affect the environment. Published by CCEA

7.5. These objectives are supplemented by additional guidance produced by CCEA for teachers in delivering the Curriculum. The guidance sets out the statutory requirements for these objectives and includes Human Rights, Equality and Diversity themes as Key Concepts.

The Education (Curriculum Minimum Content) (NI) Order 2007

7.6. In order to meet the requirements of the law, a school must provide learning opportunities in relation to Religious Education and Areas of Learning. The Board of Governors has to exercise its functions with a view to securing the following and the Principal has to ensure that:

- religious education is given in accordance with the provision for such education in the school's curriculum
- the minimum content of each Area of Learning is taught as required by the school's curriculum as subsisting at the beginning of that year
- access to the full range of courses specified under the Entitlement Framework is available to all pupils
- pupils are assessed as described later in this Chapter

Religious Education

7.7. Religious Education must be in accordance with the core syllabus drafted by the four main Christian Churches in Northern Ireland and specified by DE. The core syllabus can be accessed via the curriculum and assessment pages of the website: <https://www.education-ni.gov.uk/publications/religious-education-core-syllabus>.

Religious Education has a significant role within the curriculum as it provides pupils with the opportunities to learn about, discuss, evaluate and learn from religious beliefs, practices and values by supplying opportunities to engage with challenging questions about:

- The meaning and purpose of life
- Our place in society and the world around us

This presents pupils with the chances to develop their personal understanding, moral character and enhance their spiritual and ethical awareness.

Relationships and Sexuality Education

7.8 1. The legal minimum content to be taught by schools is set out in the Education (Curriculum Minimum Content) Order (NI) 2007 as high-level areas of learning. RSE forms a statutory component of the following key areas of learning:

- Personal Development and Home Economics statements of requirement for key stage 3; and
- Personal Development strand of Learning for Life and Work (LLW) at key stage 4.

The Relationships and Sexuality Education (Northern Ireland) (Amendment) Regulations 2023 amend the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 in respect of Learning for Life and Work (LLW) to ensure that pupils at key stages 3 and 4 have the opportunity to *“Receive age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion”*.

The Regulations also required the Department to make provision, about the circumstances in which, at the request of a parent/carer, a pupil may be excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights, covering prevention of early pregnancy and access to abortion or specified elements of that education. In response the Department has

Areas of Learning

7.9. Pre-School Education is non-compulsory. However, in schools offering preschool places the Areas of Learning are:

Pre-School
The Arts
Language Development
Early Mathematical Experiences
Personal, Social and Emotional Development
Physical Development and Movement
The World Around Us

7.10. The publication, 'Curricular Guidance for Pre-School Education' can be accessed at:

https://www.education-ni.gov.uk/sites/default/files/publications/education/PreSchool_Guidance_30May18_Web.pdf

Primary	Post-Primary
Language & Literacy	Language & Literacy
Mathematics & Numeracy	Mathematics & Numeracy
The Arts	The Arts
The World Around Us	Environment & Society Science & Technology
Personal Development & Mutual Understanding	Learning for Life and Work
Physical Education	Physical Education
	Modern Languages

7.11. The Minimum Content for each Area of Learning and Key Stage means the knowledge, understanding and skills within that Area which are required to be taught to pupils of different abilities and maturities during that stage and is set out in The Education (Curriculum Minimum Content) (NI) Order 2007 available via the DE website. The Northern Ireland Curriculum contains the following stages:

- Foundation Stage for primary pupils in Years 1 and 2
- Key Stage 1 is for primary pupils in Years 3 and 4
- Key Stage 2 is for primary pupils in Years 5 to 7
- Key Stage 3 is for post-primary pupils in Years 8 to 10
- Key Stage 4 is for post-primary pupils in Years 11 and 12

7.12. The Key Stage 4 statutory requirements have been designed to give young people more choice and flexibility. The statutory requirements are:

- to develop the cross curricular skills (Communication, Using Mathematics and Using ICT)
- to develop the other skills, defined as Problem-Solving, Self-Management and Working with Others
- Learning for Life and Work
- PE
- RE, based on the core syllabus specified by DE

Entitlement Framework

7.13. The Entitlement Framework (EF) is an integral part of young people's education within the Curriculum at Key Stage 4 (KS4) and Post 16 and is the counterbalance to the reduced statutory requirements outlined above. The overarching policy objective is to guarantee all post-primary pupils aged 14 and above, greater choice and flexibility by providing them with a wide range of learning opportunities suited to their needs, aptitudes and interests. From September 2017, post-primary schools are required to offer access to at least 21 courses at KS4 and at post-16; of which one third must be general and one third applied courses.

7.14. While some schools will be able to deliver the requirements of the EF, many others will have to work in collaboration with other schools, FE Colleges and other providers to provide their pupils with access to the full range of courses. Significant progress has been made with many more schools now engaged in innovative and creative approaches to collaborative working and this represents a culture change. Area Learning Communities (ALC) were established to facilitate the delivery of the EF and are the forum within which schools, FE Colleges and other providers work together to increase the range of courses for pupils in local areas. This ensures that pupils have access to a broad and balanced curricular offer covering both general and applied courses and each of the Areas of Learning.

7.15. The curriculum for a grant-aided school, i.e., the Areas of Learning and Religious Education, has to give pupils the opportunities to develop the cross-curricular skills and the other skills specified by DE. The cross-curricular skills are:

- Communication
- Using Mathematics
- Using Information and Communications Technology (ICT)

Shared Education

7.16. Shared Education enables the provision of meaningful face to face contact and quality learning experiences for children and young people from different backgrounds, firmly rooted in the curriculum. For those schools involved, Shared Education must be regarded as an integral part of teaching and learning.

7.17. The NI curriculum provides opportunity for Shared Education across various areas of learning. For instance, Personal, Social and Emotional Development in the pre-school curriculum, Personal Development & Mutual Understanding in primary schools,

and history education and Learning for Life and Work in post-primary schools, are examples of curricular areas which should all reinforce Shared Education. Further opportunities also exist through key subject areas such as Religious Studies or the Arts to help support Shared Education.

7.18. Developed collaboratively by the Department of Education, the Education Authority, the Education and Training Inspectorate, the Council for the Curriculum, Examinations and Assessment (CCEA) and the Northern Ireland Council for Integrated Education (NICIE), [*A Pupil Pathway: A Resource for Teachers to Support Shared Education*](#) (“the *Pupil Pathway*”) was published in 2019. The guide supports teachers in the planning, delivery and evaluation of Shared Education, including providing lines of progression for pupils in the form of specific curricular outcomes. The document emphasises that Shared Education complements the objectives of the NI curriculum to develop learners as individuals, as contributors to society, and as contributors to the economy and environment.

7.19. The [CCEA](#) has also produced a range of other curriculum materials and resources to support the development of Shared Education.

The Curriculum and Curriculum Policy

7.20. The Board of Governors has a duty to determine and keep under review its policy in relation to the curriculum for the school and to make, and keep up to date, a written statement of that policy. The policy determined by a Board of Governors must be compatible with:

- the Minimum Content specified under Article 7(1) of the Education (NI) Order 2006
- any specification for a course of study which forms part of that curriculum and leads to an examination for an approved qualification
- the statutory provisions relating to education, including in particular those relating to children with special educational needs

7.21. In discharging this duty, the Board of Governors has to consider in particular the range of the curriculum, and the balance between, and coherence of, its different components. The Board of Governors has a duty to:

- take account of the findings of any inspection of the school by the Education and Training Inspectorate under Article 102 of the 1986 Order
- consider any representations made to it regarding the curriculum by the EA, the CCMS and any other body or person connected with the community served by the school
- consult the Principal of the school before making or varying its curriculum policy statement

7.22. The Board of Governors is required to ensure that the Principal:

- is allocated such functions under the scheme of management for the school as will, subject to the resources available, enable the Principal to determine and organise the curriculum and ensure it is followed within the school
- send a copy of every such statement made by it to the relevant EA and the CCMS in the case of a Catholic maintained school

7.23. School Boards of Governors may establish a Curriculum Committee to deal with aspects of their Curriculum responsibilities.

The Role of the Principal in Relation to the Curriculum

7.24. The Principal is in charge of the day-to-day management of the school and is responsible for the delivery of the curriculum policy. They will keep the Board of Governors fully informed about:

- statutory requirements in relation to curriculum and assessment
- any directions of temporary exception from the curriculum that the principal has made
- the policies of the school
- the organisation of the school
- the progress of the school
- the management of the school

7.25. While the Board of Governors is responsible, in consultation with the Principal, for formulating and agreeing the school's Curriculum Policy, it is the Principal's responsibility to ensure that it is implemented. The Principal is responsible for determining, in consultation with the teaching staff, the methods and organisation used to deliver the curriculum. The Principal should make sure that the governors are aware of the educational philosophy behind the methods used and should be willing to explain them if asked to do so.

7.26. If, for example, a Principal and staff should decide on a major change in homework policy, it would be good practice to discuss this with the Board of Governors and parents beforehand and by so doing gain their support. Similarly, the Curriculum and the Entitlement Framework have brought about changes and, therefore, it would be prudent to discuss and explain these to parents and governors.

7.27. In delivering the curriculum the Principal should take account of the views of the governors, the parents, the teaching staff, the pupils and the community. The Principal should also take account of:

- statutory requirements in relation to curriculum and assessment
- Department of Education guidance in relation to priority areas of focus within the curriculum
- reports issued by The Education and Training Inspectorate
- the needs of local business and potential employers
- the requirements of examining bodies
- the ethos established by the school owners and promoters

7.28. The Principal has an obligation to monitor and evaluate standards of learning and teaching throughout the school, using data effectively, and report on the outcomes of this process to the Board of Governors. The Principal should seek to involve all teaching staff in the process of monitoring and evaluation, so as to arrive at a shared view of the standards being achieved.

Remote Learning

7.29. Owing to the coronavirus pandemic in 2020, the Department asked schools to have contingency plans in place for the delivery of remote learning in the event of a school closure, or if a class or any larger group of pupils across a year group need to self-isolate owing to COVID-19. Schools should keep their remote learning policies under review and continue to have contingency plans in place for the use of remote learning under exceptional circumstances as set out in DE Circular 2022/16; further guidance on remote learning is provided in this Circular.

7.30. The Department has also simplified its remote learning guidance into a onepage, quick glance document for schools entitled [Effective Practice in Remote Learning](#).

Complaints about the Curriculum

7.31. Parents and other interested parties have a right in law to register a complaint if they feel that a school is failing to meet its statutory duties in relation to the Northern Ireland curriculum. It is important that Boards of Governors have written procedures in place for handling those complaints and for obtaining all the information necessary to reach a decision on whether or not to uphold the complaint. The Department expects most complaints to be resolved at school level. However, where a complainant is not satisfied with the school's decision, the Board of Governors must provide them with the address of the headquarters of the EA and a copy of DE Circular 2016/18. [Circular 2016/18 - The Complaints Tribunal \(Curriculum and Related Matters\) Regulations 2016 | Department of Education \(education-ni.gov.uk\)](#)

Pupil Assessment

7.32. Under Article 9 of the Education (NI) Order 2006, the curriculum for every grantaided school requires each pupil in each Key Stage at the school to be assessed in each school year in accordance with such assessment arrangements as are specified by DE in relation to that pupil and that Key Stage.

7.33. Arrangements for annual statutory assessment to support the curriculum are specified in:

- The Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007 (SR2007 No 43).
- The Education (Pupil Reporting) Regulations (NI) 2009 (SR2009 No 231).
- The Education (Assessment Arrangements) (Foundation to Key Stage 3) Order (NI) 2007 (SR2007 No 45)

7.34. Schools are required to assess pupils and report in the following areas:

In all year groups

- Areas of Learning – by assessing the pupil's progress during the year
- The cross-curricular skills of Communication, Using Mathematics and Using ICT, which are to be assessed at the end of Key Stages 1, 2 and 3 with reference to

the Levels of Progression to be specified by DE The other skills (Thinking Skills and Personal Capabilities) – by assessing the pupil's progress during the year

End of Key Stages

- The Regulations require schools to provide parents of pupils in the final year of key stages 1, 2 or 3 (i.e., Years 4, 7 and 10) with the level of progression their child has achieved in any of the cross-curricular skills of Communication, Using Maths and Using ICT. [It should be noted that the required to carry out Key Stage Assessment has been suspended by the Department since 2019/20 to relieve administrative burden during the COVID-19 pandemic]. A review of arrangements for statutory Key Stage Assessment will be taken forward by the Department.
- In addition to the annual report, schools are required to provide parents of pupils in the end of Key Stage 2, Key Stage 4 and sixth form with a summative record of achievement.
- Information on expected end of key stage levels and on levels achieved by pupils in the school generally.
- The percentage of pupils in the final year of that key stage in the school attaining: each level; the expected level or above; and working towards the level but who have not yet attained it

Qualifications and Other skills

- Where a pupil achieves a qualification, award or certificate, including a credit towards a qualification, this must be included in the report
- (if a school wishes) "Other Skills" provided that they are specifically covered and that it is clear to parent's which part of the teacher comments relate to thinking skills and personal capabilities
- Schools continue to have flexibility to include additional information (for example, outcomes from class tests or results from any Computer Based Assessment packages that they may use)

Exemptions

- If a pupil in any year has been exempted from any part of the curriculum or assessment arrangements the annual report should indicate this.

7.35. The means of reporting pupil progress will be the annual report, which schools must send to parents by 30 June each year.

7.36. Detailed guidance on the assessment arrangements is provided to schools by DE through circulars issued to Principals, and for the attention of Boards of Governors and these can be accessed at www.education-ni.gov.uk. The Council for the Curriculum, Examinations and Assessment (CCEA) also issues guidance to teachers on the detailed arrangements for carrying out statutory assessment.

7.37. At Key Stage 4 and Post 16 pupil assessment is carried out mainly through external public examinations. Under the Entitlement Framework all courses

offered in schools, which lead to qualifications, are quality-assured through their accreditation within the Regulated Qualifications Framework (RQF). For 14-16 year olds the qualifications taken are mainly at Level 1 and 2 within the RQF and for 16-19 year olds the qualifications are at Level 3.

7.38. At age 14 the curriculum is shaped by the choices offered by the school and opted for by a pupil. At Key Stage 4 (14-16 year olds) Level 2 courses such as General Certificate of Secondary Education (GCSE) should be offered with an emphasis on improving the range of applied courses available to young people. Pupils will study a range of courses, the number and nature being decided after discussion with teachers and parents, and in the light of individual needs, aspirations and abilities.

7.39. At age 16 decisions are taken with the options of:

- continuing at school
- switching to a college of Further and Higher Education
- taking up an apprenticeship or other form of employment

7.40. At post-16, for those pupils staying on at school Level 3, courses such as Advanced Level General Certificate of Education (A' level GCE) should be offered with an emphasis on increasing the range of applied courses available.

Entry for Examinations

7.41. Boards of Governors have a statutory duty to ensure that pupils are entered at the appropriate times for examinations for which they are being prepared, unless there are educational reasons for not doing so, and the parents of such pupils agree they should not be entered; or the parents request in writing that their child should not be entered.

Recognising and Recording Achievement

7.42. Boards of Governors should be aware of the importance of recognising and celebrating young people's achievements at all stages of their school lives. In primary schools, the Record of Achievement brings together a summative overview of the highlights of pupils' efforts and interests. In addition, the annual report will set out for parents their child's achievements across the curriculum on an annual basis.

7.43. In post-primary schools, the annual report will continue to record achievement across the curriculum. A summative record of achievement highlights broader achievements. The minimum content of the summative record of achievement is specified under Article 9 of Education (Pupil Reporting) Regulations (NI) 2009, consisting of credits, qualifications, certificates and awards. Including brief particulars of involvement in any societies or activities, and any position of responsibility held.

The Law

Primary Legislation

Education (NI) Order 1989 - Article 136 (*Examination Entries*)

Education (NI) Order 2006 – Articles 4-13 (*requirements and duties relating to the curriculum and assessment arrangements in a school*)

Education (NI) Order 2006 – Articles 18-22 (*Access to courses i.e., Entitlement Framework*)

Education (NI) Order 2006 – Article 24 (*reporting pupil progress*)

Subordinate Legislation

Education (Curriculum) (Temporary Exceptions) Regulations (NI) 1990

Education (Curriculum Minimum Content) Order (NI) 2007

Education (Assessment Arrangements) (Foundation to Key Stage 3) Order (NI) 2007 – Education (Other Skills) Order 2007

Education (Core Syllabus for Religious Education) Order (NI) 2007

The Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007 (SR2007 No 43)

Education (Pupil Reporting) Regulations (NI) 2009

The Complaints Tribunal (Curriculum and Related Matters) Regulations (NI) 2016

Guidance

DE Circular1990/45: Temporary Exceptions from the statutory curriculum and assessment provisions for individual pupils

<https://www.education-ni.gov.uk/publications/circular-199045-temporary-exceptionsstatutory-curriculum-and-assessment-provisions-0>

DE letter of 27 November 2009 to all schools ‘Delivery of the Curriculum and Handling of Complaints from Parents and Other Parties’

<https://www.education-ni.gov.uk/articles/introduction-curriculum-and-assessment#toc-3>

DE Circular 2018/06 Delivering the Entitlement Framework: Guidance to Schools 2018/19

<https://www.education-ni.gov.uk/publications/circular-201806-delivering-entitlementframework-guidance-schools-201819>

[A Pupil Pathway: A Resource for Teachers to Support Shared Education](#)

DE Circular 2009/11: Delivery of the Curriculum in Irish medium Primary schools

<https://www.education-ni.gov.uk/publications/circular-200911-delivery-revisedcurriculum-irish-medium-primary-schools-and-units>

DE Circular 2016/18: The Complaints Tribunal (Curriculum and Related Matters) Regulations (NI 2016

<https://www.education-ni.gov.uk/publications/circular-201618-complaints-tribunalcurriculum-and-related-matters-regulations-2016>

DE Circular 2021/01 [Guidance on Remote Learning](#) provides advice and guidance to schools on supporting remote learning. It outlines a range of key principles which should underpin schools' approaches to their remote learning programmes. The Department has also simplified its remote learning guidance into a one-page, quick glance document for schools entitled [Effective Practice in Remote Learning](#).

Further information on the curriculum and teaching resources www.nicurriculum.org.uk

Further information on the Northern Ireland Curriculum can be found by contacting the Curriculum and Assessment Team and they can be contacted via email at CAT@education-ni.gov.uk

8. School Finances

This chapter applies to all schools, other than special schools. It explains how schools are funded and sets out the main responsibilities of the Board of Governors and the Principal in relation to the management of a school's finances. It also offers guidance on the components to maintaining a high standard of financial management.

The Role of the Board of Governors

The role of the Board of Governors is to manage the school funds economically, efficiently and effectively for the purposes of the school in accordance with a Financial Memorandum published by the EA. The Board of Governors must:

- have a 3-year financial plan approved by the EA for the school
- contain expenditure within the annual budget approved for the school
- ensure that expenditure is monitored and controlled during the financial year

8.1. The Department (DE) is allocated an education budget by the NI Assembly Executive and the Department's Permanent Secretary is responsible to the Education Minister and the Assembly for the propriety and regularity of the use of those resources. Grants are paid from the DE budget to the EA (i.e., the Funding Authorities for all grant aided schools) and schools expenditure plans are approved by the EA. The grants to schools are subject to financial accounting controls.

8.2. Schools are free to raise extra funds through sponsorship schemes, voluntary contributions from parents and fund-raising activities. Separate accounts should be held for non-public funds and the standard of accounting for, and control of non-public funds should be as stringent as that required for public funds.

Common Funding Scheme

8.3. Since April 2005 all grant-aided schools, except special schools or schools established in hospitals, have been funded under the law, on the basis of a Common Funding Formula set out in the DE publication 'Common Funding Scheme for the Local Management of Schools'. The formula aims to ensure that schools of similar size and characteristics receive similar levels of funding, regardless of sector or geographical location. The formula is subject to ongoing review and significant changes are subject to consultation with schools in advance of consideration by the Minister of Education.

8.4. The formula intends to distribute the available resources fairly among schools of all sizes and types, making due allowance for costs attributable to pupil numbers, social deprivation, maintenance of premises, pupils with additional educational needs such as Newcomers and Traveller children and a number of other factors. By far the most dominant element within the formula is the number of pupils attending the school. Pupil numbers are 'weighted', so that, for example, a Key Stage 3 pupil attracts more funding than a pupil in Key Stages 1 and 2. The weightings are intended to reflect the variation in costs associated with provision at the various stages of education, including, for

example, the cost of examination entry fees and option choices at Key Stage 4 and Sixth Form level.

Details of the [Common Funding Scheme](#) are available on the Department's website.

The Aggregated Schools Budget

8.5. The total funds available for delegation to school Boards of Governors are known as the Aggregated Schools Budget. Every school receives a formula allocation from the Aggregated Schools Budget for each financial year. The financial year runs from 1 April to 31 March. The formula allocation is expected to cover the school's annual expenditure on a wide range of delegated items. The delegated items are listed at Annex A1 of the Common Funding Scheme and include most staffing costs, some premises related costs and school requisites.

Resources Held at Centre

8.6. Schools may also access some of the funds held centrally by the Education Authority for specific types of expenditure such as most long-term staff substitution costs, additional costs approved by DE for statemented pupils, certain premises costs, start-up costs for new schools and contingency provision. Further information is contained in Part 6 and Annex A2 to the Common Funding Scheme.

8.7. Other education funds are held centrally by the Education Authority to meet administration costs, certain advisory and support services including home to school transport and approved capital expenditure. Further information is contained in Annex A3 to the Common Funding Scheme.

Financial Management

8.8. The Board of Governors is responsible in law for the management of the school's financial allocation under the LMS Scheme, in accordance with a Financial Memorandum published by the Funding Authority. The Financial Memorandum sets out the conditions the Board of Governors must fulfil in managing the school's funds. The purpose of the memorandum is to ensure that education funds are used economically, efficiently and effectively. The memorandum describes the role and responsibilities of the Funding Authority and the Board of Governors and sets out the arrangements that the school is expected to have in place for planning, budgeting and control of resources.

Expenditure Plans

8.9. The Board of Governors must agree a 3-year financial plan for its school and submit it to the Education Authority for approval in such form and within such timescale as that Authority may require. The plan must align with the education priorities in the School's Development Plan and cover the incoming financial year in detail and the following 2 years at a level prescribed by the Funding Authority. The plan has to be consistent with the financial resources available to the school and be based on realistic assumptions of pupil numbers and income and estimates of expenditure.

Budgetary Control

8.10. Expenditure should be contained within the annual budget, unless otherwise approved by the Funding Authority for the school. This is a major responsibility and governors are expected to show prudence in managing the school's finances. Expenditure should be monitored in a systematic way during the financial year to ensure that it is properly controlled.

Surpluses and Deficits

8.11. The Board of Governors may accumulate savings and carry them forward into the next financial year, but any deficit balances must also be carried forward. Surplus and deficit balances should not exceed 5 per cent or £75k (whichever is the lesser) of the school's total delegated budget for the financial year, unless they are being accumulated for specific purposes and these are detailed in their 3-year financial plans. Where for any reason this is not achieved, the school's 3-year financial plan must rectify the position. The Funding Authority monitors and provides advice on surplus and deficit balances.

Delegation

8.12. While retaining oversight and responsibility for the school's finances, the Board of Governors may delegate certain activities to a committee of its members and/or the Principal in accordance with the Financial Memorandum for its school. It is expected that many schools will have a Finance Committee. Voluntary grammar schools can have a Finance Committee and a separate Audit Committee and grant maintained integrated schools are required to appoint a 'Responsible Officer' to fulfil certain responsibilities and to provide an independent check on financial issues. In all situations, the Board of Governors should ensure that written statements are maintained of the delegated activities of its committees and the Principal and any other person with financial responsibilities.

The Finance Committee

8.13. The delegated duties of a Finance Committee may include:

- considering a draft financial plan prepared by the Principal for the incoming year in the context of the school's formula funding allocation and its Development Plan
- exploring different expenditure options
- forecasting future pupil enrolments and income levels
- monitoring budgeted income and expenditure on a monthly basis
- monitoring and adjusting as necessary in year actual against approved expenditure
- finalising end year accounts and reviewing outcome
- assessing the effectiveness of financial decisions
- agreeing a written statement of the school's financial systems and procedures
- administering voluntary and private funds including the school's Charging and Remissions Policy
- making recommendations to the Board of Governors on financial matters

The Role of the Principal

8.14. While the Board of Governors must determine how the school's financial budget will be allocated for specific purposes, the Principal is normally responsible for expenditure estimates, day-to-day decisions on spending and weekly monitoring of expenditure to make sure that the school budget is not exceeded. The Principal must ensure that full financial records are kept in relation to all school funds and that these records are presented regularly to the Board of Governors in keeping with the requirements of the guidance issued by the Funding Authority.

The School Development Plan

8.15. The aim of the Board of Governors is to match expenditure with the delivery of the school's curriculum. This will necessitate the Principal, in consultation with the Board of Governors, specifying in the school's Development Plan the school's curriculum objectives, how it proposes to achieve these, and the resources required. This Plan should then be costed on the basis of employee costs, premises costs, school requisites for teaching and learning and transport and other costs. The total estimated costs should then be matched against the school's budget allocation. If there is an anticipated overspend, then priorities will have to be identified and the plan revised, so that expenditure is brought within budget limits. The Principal is responsible for ensuring that this plan is implemented and for monitoring spending on a continuous basis.

8.16. Annex H of the School Development Planning Guidance (2010) relates to the accounting for Targeting Social Need (TSN) Funding and includes a template to record the school's activities in relation to their use of the TSN funding and its impacts and outcomes. The Department has launched an online TSN Planner for use by all primary and post-primary schools receiving TSN funding. This online system replaces the Annex H template and provides a more efficient way of collecting TSN data. It allows the Department to better understand how schools are choosing to utilise TSN resources, illustrate the range of interventions and support being offered and be able to demonstrate the positive impact those resources are having on children and young people most in need.

Financial Management Standards

8.17. The following guidance is offered on the essential components to maintaining a high standard of effective financial management:

i. Leadership and Governance

- The Board of Governors should be aware of its own financial management responsibilities and those of its finance committee, any designated officer, the Principal and any other relevant school staff, especially a Bursar.
- The Board of Governors should ensure that its members and the school staff avoid any conflict between their business and personal interests and the interests of the school.

- The Board of Governors should maintain an up-to-date register of members' personal and pecuniary interests and ensure that any conflicts of interests are avoided as required by the school's scheme of management.
- The Board of Governors can develop its knowledge, skills or experience in financial management through the recruitment and co-option of governors with experience in this area and the take up of the training, advice, information and support services that are available to all schools.

ii. People Management

- The Principal and any other relevant staff should be aware of their own and each other's responsibilities in relation to school finance and how each contributes to the school's overall financial procedures.
- The staff should be deployed in such a way that financial controls are effectively maintained, even in the event of staff changes and absences of key personnel.
- Job descriptions should include relevant financial management functions.
- Reasonable efforts should be made to ensure that the school is not overly reliant on any one member of staff with regard to financial matters. Staff should have the opportunity to attend appropriate training.

iii. Strategic Planning

- The school's annual expenditure plan should be realistic and affordable in terms of the funds available and approved by the Board of Governors on a timely basis.
- It should reflect the school's development plan and be consistent with the school's longer term financial plans (including any deficit recovery) and strategic educational goals. It should have regard to achieving best value for money.
- It should be designed to manage any serious risks facing the school.

iv. Processes

- The systems and procedures operated within the school should meet the information, accounting and the reporting requirements of the governors and the Funding Authority.
- The processes should take account of the need for regular expenditure monitoring and risk management throughout the financial year and include controls to safeguard the proper use of resources including the school's assets.
- The Funding Authority provides advice on administrative and accounting and audit procedures; this includes advice on purchasing and contract procedures.

Restriction, Suspension or Loss of School Budget

8.18. The Funding Authority has the power to restrict, suspend or withhold a school budget where the Board of Governors has failed to comply with any requirement or conditions associated with public funding or has not managed the budget share satisfactorily. This means that the Board of Governors temporarily loses some of its responsibilities, but these may be restored after an annual review provided that appropriate standards are then in place. Loss of a delegated budget is a rare event and will remain so because schools should discuss any problems that might lead to

suspension with the Funding Authority and seek to rectify them before formal action arises.

Liability of Boards of Governors

8.19. The law makes it clear that the governors of a school will not incur any personal liability in respect of any action taken in good faith in the exercise of their powers. Information about the provision for indemnity is contained in the Financial Memorandum.

The Law

The Education (NI) Order 2003 – Articles 3 to 9 (*Funding of Grant-aided Schools*)

The Education (NI) Order 2003 – Articles 10 to 12 (*Financing of boards*)

The Education (School Development Plans) Regulations (NI) 2010

Guidance

Common Funding Scheme for the Local Management of Schools, DE

<https://www.education-ni.gov.uk/articles/common-funding>

Financial Memorandum

[Guidance on the Financial Management Arrangements for Controlled and Maintained Schools Funded under the Common Funding Scheme](#), EA

Financial & Audit Arrangements Manual for Voluntary Grammar Schools, EA

Financial & Audit Arrangements for Grant-Maintained Integrated Schools, EA

Every School a Good School – School Development Planning 2010 (*DE publication*)

<https://www.education-ni.gov.uk/articles/school-development-planning>

Further information on School Finances can be found by contacting the Financial Monitoring Team in the Department of Education. They can be contacted via email

DE.FinancialMonitoringTeam@education-ni.gov.uk

9. School Staff

This chapter explains the employment functions of a Board of Governors that also has responsibility for the school's finances. Decisions about staffing are important as they can affect the quality of the school's education provision. Staffing issues can be complex, and Boards of Governors should make use of the training and support services available. Training courses are available for governors together with an experienced Human Resources (HR) support service. Information and advice is also available from the Labour Relations Agency (LRA) and from the Department for the Economy (DfE) about employment legislation.

The Role of the Board of Governors

The role of the Board of Governors is to exercise its functions in relation to employment matters, with a view to maintaining and raising standards of education performance in the classroom. The Board of Governors is required to:

- recruit and select staff for appointment to the school
- determine the school's staffing complement
- regulate staff conduct and discipline as required by law
- take decisions on payments relating to staff dismissals or resignations in accordance with the relevant guidance and legislation
- exercise other employment functions, such as the management of the performance of the Principal, staff attendance, staff training and development

The Employing Authority

9.1. The Education Authority (EA) is the Employing Authority of teachers in controlled schools and support staff in controlled and voluntary maintained schools in its area. The CCMS is the Employing Authority for teachers in Catholic maintained schools. The Board of Governors of a non-Catholic voluntary maintained school (including an Irish medium school) is the Employing Authority of teachers in its own school. The Board of Governors of each voluntary grammar and each grant-maintained integrated school is the Employing Authority for all staff in its own school.

9.2. Responsibility for the collective employment functions of teachers such as remuneration and terms and conditions of employment for teachers, negotiating with trade unions and strategic workforce planning currently resides with the Teachers' Negotiating Committee (TNC) which is representative of the employing authorities, sectoral bodies, the five main teachers' unions and the Department of Education (DE).

9.3. The current arrangements relating to remuneration and terms and conditions of service for support staff in controlled and maintained schools are agreed through the Joint Negotiating Council (JNC). The Boards of Governors of voluntary grammar and grant-maintained integrated schools determine whether to adopt the JNC arrangements.

The Role of the General Teaching Council for NI (GTCNI)

9.4. The GTCNI is the independent professional body for teachers. It has been identified for closure and replacement however until the necessary legislative change occurs It continues to operate to enhance the status of teaching and to promote the highest standards of professional conduct and practice. Its main responsibilities are:

a) the registration of all teachers in grant-aided schools

The Board of Governors cannot employ a person as a teacher unless he or she is registered with the GTCNI. The GTCNI may charge a teacher a registration fee.

b) Code of Values and Professional Practice

The GTCNI publication '[Teaching: the Reflective Profession](#)' includes the latest version of the Code of Values and Professional Practice. In addition to the Code, this publication sets out the NI teacher competences which describe the knowledge, skills and understanding that teachers should demonstrate, and the competences statements provide a framework for early teacher education and career-long professional development. Schools should note that, as of March 2023, work is ongoing to adopt an updated set of professional teaching competences, as part of DE's Learning Leaders Strategy; and so these may be subject to change.

c) Regulation in respect of teacher professional misconduct

The GTCNI is responsible for considering cases of serious teacher misconduct in accordance with its Misconduct Rules, and where appropriate has the power to remove a teacher from its register if found guilty; consequently, such a teacher will no longer be able to teach in a grant-aided school in Northern Ireland.

[DE Circular 2015/12](#) explains the action to be taken by schools and employing authorities to enable the GTCNI to consider such cases. This Circular will be updated or replaced once a replacement for GTCNI's functions and services is operational.

The GTCNI's role (or that of a replacement body) does not however replace the existing disciplinary powers of schools in relation to teachers, including principals and viceprincipals.

d) The provision of advice

The GTCNI is responsible for providing advice to DE and employing authorities on matters relating to teacher registration, teacher training, career development, performance management and standards of teaching and conduct.

9.5. The establishment of an effective professional body for the teaching workforce is an step in supporting teachers, protecting and raising professional standards; and for enabling school development and improvement plans across the education system. It is therefore important that teachers and Boards of Governors are aware of its role. Since the profession has now clearly articulated what its core values and competences are (see [GTCNI Digest of the Teacher Competences](#)), teachers are in the position to apply and develop them as an essential and integral part of their continuing professional

development, and Boards of Governors can be clear as to what they can expect from teachers in relation to professional practice and commitment (**subject to the planned changes set out in para 9.4 above**).

The Role of the Board of Governors and the Principal

9.6. The Board of Governors has overall responsibility for staffing matters at the school. Many staff functions may be delegated by the Board of Governors to the Principal, or to a committee of the governors working with or without the Principal, in accordance with the provisions of the school's scheme of management, extant guidance and legislation.

9.7. The role of the Principal is to advise the governors on current staffing requirements, current deficiencies if any, anticipated future difficulties, the promotion of staff, and the suitability of applicants for vacancies. The deployment of staff is a matter for the Principal who will wish to make best use of the particular skills and expertise of all staff and deploy these to the best advantage of the pupils. The Principal will also wish to encourage staff development. The functions of the Board of Governors are set out in this chapter under the general headings:

- **Staff Appointments** which include recruitment and selection, the staff salary policy, pay and conditions of service, promotions and teaching allowances
- **Staff Management** which includes staff attendance, career break and job-sharing schemes, leave of absence/special leave, staff conduct and discipline, staff suspensions and dismissals
- **Staff Performance** which includes induction training, performance review, training and development and unsatisfactory performance
- **Staff Welfare • Staff Redundancy and Retirement Schemes**

Staff Appointments

Recruitment and Selection of Staff

9.8. The appointment of staff is one of the most important responsibilities of governors. The success of any school is largely dependent on the quality, professionalism and expertise of its staff. Since staff members are the most valuable and expensive resource, it is vitally important that the best person is appointed to fill a vacancy.

9.9. All Boards of Governors are responsible for school-specific functions on the recruitment and selection of staff which include:

- the appointment of Principals, Vice-Principals, teachers and support staff
- the determination of job descriptions and personnel specifications
- the constitution of interview panels and the selection of teaching and support staff

9.10. Before making any teaching appointments, including the appointment of any substitute teacher, the school must ensure that the teacher is registered with the

GTCNI. Supply teachers should also be registered with the NI Supply Teachers Register (NISTR).

9.11. The Education Authority (EA) has provided the Boards of Governors of controlled schools with a scheme, approved by the Department of Education, detailing the procedures to be followed in relation to the appointment of Principals, VicePrincipals and teachers. CCMS has provided the Boards of Governors of Catholic maintained schools with an equivalent scheme, approved by DE. The EA also has procedures for the appointment of support staff in controlled and maintained schools. The Boards of Governors of all other schools have been responsible for determining their own staff recruitment and selection procedures which must comply with the procedures in the school's scheme of management and all of the relevant guidance and employment and child protection legislation.

9.12. Applications for posts at the school must be judged on their merits against the objective requirements of the job. Allegations that a candidate has been given preferential treatment may lead to challenge and summons before an employment tribunal. The anti-discrimination law in Northern of Ireland prohibits discrimination on the grounds of religious belief, political opinion, race, disability, sex, marital status, sexual orientation and age. In addition, specific obligations are imposed on 'public authorities,' in respect of the need to promote equality and the desirability of promoting good relations under Section 75 of the Northern Ireland Act 1998. The recruitment of teachers in schools in Northern Ireland is still currently exempt from the Fair

Employment legislation which prohibits religious discrimination. This exemption will be removed in May 2024 following the enactment of the Fair Employment (School Teachers) Bill. Preparations are currently being made for the enactment of the Bill. A cross-sector working group, led by the EA, has been established to scope the operational impact of this change in legislation. The group will ensure that the employing authorities across the education sector are prepared for full compliance with the legal requirements of the ECNI's Fair Employment Code of Practice.

9.13. In carrying out its duties, the Board of Governors is responsible for:

- forming selection panels
- ensuring proper balance in the membership of panels (for example gender, religion) according to the nature of the school
- ensuring that members of selection panels are properly trained in recruitment and selection procedures and that at least one governor on each staff recruitment and selection interview panel has undertaken appropriate child-protection training
- ensuring that the proper procedures for shortlisting, interviewing and appointing staff are followed and that the process is carried out fairly and transparently
- ensuring that recruitment and selection procedures comply with child protection legislation as outlined in [Circular 2013/01 - Vetting of paid staff in schools](#) [Circular 2013/01 - Pre-employment vetting of school-based staff](#)
- ensuring that all new staff and volunteers have an induction that includes appropriate training in their school's child protection policy and procedures

Staff Salary Policy

9.14. Salary decisions have a very substantial effect on the management structure of a school and on school finance. That being so, governors must take decisions in relation to salaries based on Salary Policy guidance [Salary Policy Guidance for BoG](#). Since 1993, Boards of Governors of schools have had statutory responsibility to develop a Salary Policy related to the particular needs of schools and to keep their Salary Policy under annual review. Guidance was provided by the Employing Authorities to Boards of Governors on the formulation and implementation of a Salary Policy relating to teachers, of which the Board of Governors should take account. [Salary Policy Guidance for BoG](#) The Board of Governors has the following responsibilities:

- to have, for all staff, a salary policy that relates to the particular needs and circumstances of the school and the resources available to it and that:
- supports the plans and priorities for the school's future development
- takes full account of all guidance, including the guidance issued by the Funding Authority (EA)
- identifies the administrative process to be applied in implementing the policy
- to review their salary policy annually
- to consult with teachers before formally adopting or reviewing the policy
- to determine salary awards in consultation

- with the Principal. The school's salary awards, and the salaries of staff must be reviewed annually and in accordance with guidance and legislation
- to give every teacher annual written notification of their salary placement and how it was arrived at
- if it so decides, to award a salary increase for the Principal /Vice-Principal(s) provided there has been a successful review of performance in the context of performance objectives and it is fully in accordance with Salary Policy guidance.

Teachers' Pay

9.15. As a result of pay negotiations and agreement through collective bargaining at TNC, the Department of Education, in accordance with the provisions of Article 69 (1) and (6) of the Education and Libraries (NI) Order 1986 [Education and Libraries \(NI\) Order 1986](#), will determine the salaries and allowances to be paid to teachers in grantaided schools. A classroom teacher must be paid on one of six points on the main pay scale or one of three points on the upper pay scale. Teachers on the main pay scale can progress one point per year to a maximum of point six. Having completed one year on point six of the main pay scale, classroom teachers can apply for threshold progression on to the upper pay scale. With satisfactory performance through the PRSD process, a teacher can progress up the upper pay scale one point every two years, to a maximum of point three. In addition, classroom teachers can be awarded

one teaching allowance, a special needs allowance or in exceptional circumstances, a recruitment and retention allowance.

9.16. Principals and Vice-Principals are paid on individual ranges on the leadership salary scale, linked to the size of their school. The Principal's salary is set within a seven-point individual school range and the Vice-Principal's salary is set within a five-point pay range and must start on a point above the highest paid classroom teacher. With satisfactory performance, Principals and Vice-Principals may be awarded one progression point and in the case of exceptional performance one additional point may also be awarded based on the Salary Policy guidance [Salary Policy - guidance for BoG which must be adhered to for all grant-aided schools](#).

Promotions and Allowances for Teaching Staff

9.17. The procedures relating to the awarding of allowances are set out in the 'Guidance to Boards of Governors on the Formulation and Implementation of Salary Policy' [Salary Policy - guidance for BoG](#). All decisions regarding the award of an allowance should be consistent with the school's management structure, which should be agreed by the Board of Governors and must be based on the school's salary policy.

Terms and Conditions of Service of Teachers

9.18. The professional duties of a Principal are set out in Schedule 1, Regulation 4 of the Teachers (Terms and Conditions of Employment) Regulations (NI) 1987 [Jordanstown Agreement 1987](#), which state that a Principal:

- is required to carry out their professional duties in accordance with the school's policy and objectives, as determined by the Board of Governors
- shall obey the reasonable directions of the Board of Governors
- consult with the Board of Governors where appropriate

9.19. A Vice-Principal may be assigned particular duties, additional to their professional duties as a teacher, by the Principal as set out in Schedule 2, Regulation 4 of the Teachers (Terms and Conditions of Employment) Regulations (NI) 1987 [Jordanstown Agreement 1987](#).

9.20. Teachers, including Vice-Principals, are required to carry out their professional duties as reasonably directed by the Principal. The professional duties that a teacher may be reasonably asked by the Principal to do, are set out in Schedule 3, Regulation 5 of the Teachers (Terms and Conditions of Employment) Regulations (NI) 1987 [Jordanstown Agreement 1987](#).

Pay and Terms and Conditions of Service for Support Staff

9.21. The Education Authority (EA) is the employer of all teaching and non-teaching support staff in Controlled Schools and the employer of non-teaching support staff in Maintained Schools. The Department of Education (DE) is responsible for paying teaching staff on behalf of EA. EA is responsible for paying non-teaching EA staff

Staff Management (Teaching and Support Staff)

Staff Attendance

9.22. Regular attendance by staff is critically important for the continuity and effectiveness of pupils' learning. Furthermore, when a member of staff is absent, for whatever reason, it puts additional stress on those who are required to 'cover' for the absence and, in the case of a school having to employ a substitute teacher, it negatively affects school finances.

9.23. The Board of Governors has the following statutory duties:

- to have overall responsibility for ensuring the effective management of the attendance of all school staff
- to ensure that the staff attendance policy, agreed by the employing authorities following consultation with trade union representatives, is applied fairly and equitably

9.24. The roles and responsibilities of Boards of Governors for managing teacher attendance are contained in the Teacher Attendance Procedure (TNC 2008/02 [TNC 2008-2 - Teacher attendance procedure](#) – currently under review) and the strategy for the Management and Promotion of Teacher Attendance which is available on the Department's website [Managing Attendance Strategy for the Education Sector 2019 2022](#). Boards of Governors are encouraged to promote good attendance, bearing in mind the effect of teacher absences on the school budget and education standards in the classroom.

Career Break Schemes

9.25. The Career Break Scheme provides staff with the facility of taking a break in their careers. The use of a career break is also beneficial to the school, as staff members widen their experience and enhance the skills and knowledge that they bring to the school on their return. The roles and responsibilities of Boards of Governors for granting a teacher a career break are contained in the Career Break Scheme for Teaching Staff (TNC 2009/05) which is available on the Department's website [TNC 2009/5 Teachers' Career break scheme](#). A similar scheme is available for other staff (see JNC Circular No 129).

Job Share Scheme

9.26. Job sharing is a method of working where two staff members share one full-time post. Job sharing is different from part-time work in that, although the hours worked by each post holder are part-time, together the staff members take joint responsibility for the full-time post and are regarded as a full-time unit. Job sharing arrangements can be permanent or temporary for a maximum of two years. The roles and responsibilities of Boards of Governors in considering applications for job share arrangements are contained in the Teachers' Job Share Scheme (TNC 2009/04) which is available on the Department's website. [TNC 2009-4 Job share scheme for teachers](#). A similar scheme is available for support staff (see JNC Circular No 21).

Occupational Maternity Leave Scheme

9.27. The occupational maternity leave scheme applies to all pregnant staff regardless of their length of service or number of hours worked per week. Staff on maternity leave are entitled to remain absent for up to 26 weeks' ordinary maternity leave and 26 weeks' additional maternity leave. The TNC circular Teachers' Maternity Leave Scheme (TNC 2021/1) provides full details of the scheme and is available on the Department's website [TNC 2021/1 Teachers' Maternity Leave Scheme](#). A similar scheme is available for support staff (see JNC Circular No 236).

Paternity Leave Schemes

9.28. Following the birth of a child or the placement of a child for adoption, staff members who are eligible for paternity leave have the right to take either one or two weeks paid statutory paternity leave to care for the child or support the mother or, in the case of adoption, the adopter or other adopter. The TNC circular Teachers' Paternity Leave Scheme (TNC 2015/3) provides full details of the scheme and is available on the Department's website [TNC 2015/3 Teachers' Paternity Leave Scheme](#). A similar scheme is available for support staff (see JNC Circular No 236).

Adoption Leave Schemes

9.29. Paid adoption leave is available to staff, where an approved adoption agency notifies the adopter of a match with a child. Eligible staff members are entitled to take paid adoption leave when a child is newly placed for adoption. The TNC circular Teachers' Adoption Leave Scheme (TNC 2014/3) provides full details of the scheme and is available on the Department's website [TNC 2015/4 Teachers' Adoption Leave Scheme](#). A similar scheme is available for support staff (see JNC Circular No 236).

Leave of Absence

9.30. From time to time, staff will request leave to enable them to deal with personal circumstances. All requests for leave of absence will, in due course, be considered by a school's Board of Governors. Consequently, the Board of Governors has a responsibility to consider such requests taking full account of:

- the context in which the request is made
- its legal obligations
- the potential effects the granting of such a request might have for the school

9.31. Boards of Governors should also be aware of the content of other family friendly provisions that have been agreed by the Teachers Negotiating Committee, for example Teachers' Absence – up to 3 days - [TNC 2014/18 - Teachers' Absences Not Exceeding Three Working Days](#); Teachers' Parental Leave Scheme (TNC 2014/5) [TNC 2014-5 Teachers' parental leave scheme](#); Flexible Working Scheme (TNC 2009/6) [TNC 2009-6 Flexible working scheme](#) and Temporary Variation of Contract (TNC 2009/07) [TNC 2009-7 Temporary variation of contract](#). Similar schemes have been agreed for support staff (see JNC Circular No 236 and policies listed at the end of this chapter).

Staff Conduct: Discipline and Staff Grievances

9.32. All school Boards of Governors are required to establish staff disciplinary rules and procedures and procedures for affording school staff opportunities to seek redress of any grievance in relation to their employment and to take steps to make these known to the staff of the school.

9.33. The Board of Governors must adhere to the disciplinary and grievance procedures, agreed at the Teachers' Negotiating Committee and the JNC or its successor and make these procedures available to staff.

9.34. Discipline issues arise where the school is dissatisfied with the conduct or behaviour of a member of staff. The TNC Circular 'Disciplinary Procedure For Teachers, Including Principal and Vice Principals, In Grant-aided Schools With Fully Delegated Budgets' (2016/2) [TNC 2016-2 Disciplinary Procedure](#) and the 'Disciplinary Procedure For Teachers Notes of Guidance For Relevant Bodies' (2016/3) [Disciplinary procedure guidance notes](#) set out the roles and responsibilities of all parties involved in disciplinary cases, the steps to be taken and also the appeal processes available to a teacher, if they are dissatisfied with the outcome of disciplinary proceedings. For support staff, reference should be made to the 'Disciplinary Procedure for NonTeaching Staff in Grant-aided Schools with Fully Delegated Budgets.'

9.35. Grievances arise where a member of staff feels dissatisfied, for example, with working conditions, or considers that they have been the victim of harsh or unfair treatment. The TNC Circular 'Grievance Procedure for Principals, Vice-Principals and Teachers In Grant Aided Schools' (TNC 2014/6) [TNC 2014-6 Grievance Procedure](#) sets out the steps to be followed by a teacher raising a grievance against their employer, including the time limits which apply at each stage of the procedure (unless altered by agreement). There is a separate policy procedure for school-based staff.

9.36. Staff disciplinary and grievance procedures are intended to resolve problems. Neither of these procedures should be regarded as negative activities, since the outcome may lead to a significant improvement which is beneficial to the member of staff concerned and to the school.

9.37. Before invoking the formal stage of the grievance procedure, the staff member should be offered the opportunity to resolve the grievance using an independent mediation process. Mediation is non-prejudicial, and the parties do not waive their rights to access other procedures or processes by agreeing to participate. The TNC Circular 'Mediation Procedure' (Annex A of TNC 2014/6) [Annex A of TNC 2014-6](#) outlines the mediation principles and procedure which will be used by the employers' internal mediation team. It also sets out the roles and responsibilities of each party involved in the mediation.

Staff Suspension

9.38. The decision to suspend a member of staff on a precautionary basis is the responsibility of the Board of Governors. Consultation with the relevant employing authority is highly recommended. A precautionary suspension can be considered for the following reasons; the relevant employing authority should be contacted for advice:

- Child protection – See DE publication Safeguarding and Child Protection in Schools – A Guide for School (paragraph 5.5) [Safeguarding and Child Protection in Schools - A Guide for Schools](#) ; [TNC 2016-2 Disciplinary Procedure](#) and TNC 2016-3 [Disciplinary procedure guidance notes](#); 2009/11 [Policy-and-procedure-to combat-bullying-harassment-of-teachers](#); DE Circular 2015/13 for guidance [Dealing with Allegations of Abuse Against a Member of Staff](#).
- Disciplinary – See TNC 2016/2 [TNC 2016-2 Disciplinary Procedure](#) and TNC 2016-3 [Disciplinary procedure guidance notes](#) for guidance – the latter includes examples of serious or gross misconduct at Appendix 1 paragraph 4
- Medical or Health & Safety – by its nature should only be for a very short period of time whilst an Occupational Health Service opinion is obtained – See TNC 2013/1 [TNC 2013-1 Termination of Employment - III Health or Capability](#) for guidance

9.39. A precautionary suspension of a member of staff is the suspension from duty, on full pay. It is important to stress that a precautionary suspension is not a disciplinary measure in its own right. A member of staff must be placed on precautionary suspension on a 'without prejudice' basis and without any loss of salary pending the outcome of any investigation or examination.

9.40. A precautionary suspension can have far reaching implications, not only for the member of staff involved, but also for his/her family, for pupils in the school, for their parents and for other members of staff. The decision to impose a precautionary suspension should only be taken after very careful consideration of the circumstances surrounding each individual's case and then only where it is deemed absolutely necessary to do so. A precautionary suspension should not be the default option but rather the last resort. Alternate actions should be a key consideration of the decision process.

9.41. Alternative actions, acceptable to the member of staff, that fall short of a precautionary suspension, but which serve the same purpose must be fully explored. Clearly the reasons for considering the need for a precautionary suspension will have a bearing on the possible range of alternative actions but subject to suitability and availability, examples of alternatives to a precautionary suspension could include redeployment or:

- a. moving the member of staff temporarily to other duties within the school;
- b. moving the member of staff temporarily to other duties outside the school perhaps redeployment within the employing authority; or
- c. Providing an assistant to be present when the individual has contact with children.

9.42. Whilst alternatives to precautionary suspension may not always be available or appropriate, no individual should be placed on a precautionary suspension if there is a reasonable suitable alternative available for them. Advice should be sought from the relevant employing authority before placing a member of staff on precautionary suspension and at every stage of the process thereafter.

9.43. It is vital that precautionary suspensions are managed effectively and that every effort is made to reach a conclusion as quickly as possible. Boards of Governors must keep precautionary suspensions under regular review to ensure that they don't become unduly protracted. Precautionary suspensions should be reviewed at least on a monthly basis. The Department of Education monitors precautionary suspensions

through a quarterly report provided by employing authorities and school Boards of Governors and is discussed at the Governance & Accountability Review meetings with the Permanent Secretary. A precautionary suspension, once put in place, can only be ended by the Board of Governors.

Staff Dismissal

9.44. Where the Board of Governors decides that the contract of anyone employed in the school should be terminated, it must notify the employing authority (where this is not the Board of Governors) in writing, giving reasons for its determination. If the person is employed under contract to work solely at the school and does not resign, the employing authority must within one month of receipt of the notification, give the person notice of termination, in accordance with the contract or with immediate effect, if the conduct of the employee warrants it.

9.45. In the case of someone who is under contract to work at the school and another school or schools, the employing authority shall require the person to cease work at the school that issued the notification. It is for the Board of Governors to determine whether any payment should be made by the employing authority in respect of the dismissal or for securing the resignation of the employee and the amount of the payment. Any such payment should not normally be deducted from the school's budget share, except in so far as the funding authority has good reason for deducting those costs in whole or in part from the budget share. (The fact that the employing authority has a policy precluding dismissal of its employees by reasons of redundancy is not regarded as a 'good reason').

9.46. These arrangements do not apply to the dismissal of a teacher who is not registered with the GTCNI or to the dismissal of non-teaching staff who do not comply with the eligibility requirements for employment in grant-aided schools.

9.47. The Board of Governors is required:

- to make arrangements for the employee to make representations with respect to their dismissal, including oral representation, to the person or persons appointed by the Board of Governors for this purpose
- to take account of any such representations
- to consider any advice given by any relevant officer of the Employing Authority who is entitled to attend all the proceedings of the Board of Governors relating to the dismissal, prior to making the final decision

Misconduct of Teachers

9.48. The Board of Governors must report to the GTCNI any teacher, including any substitute teacher, who has been dismissed for non-child protection related misconduct, whether or not they are convicted of a criminal offence, or who would have been dismissed or considered for dismissal, if they had not resigned. (NB – where the Board of Governors is not the employing authority it must in the first instance report the dismissal to the relevant employing authority). They must also provide information about:

- those cases where an alleged misconduct is considered so

serious as to warrant a precautionary suspension or dismissal

- all the surrounding circumstances that resulted in the precautionary suspension or dismissal
- those cases where the above points would have applied but for the teacher resigning or leaving the school's employment under other circumstances

Staff Performance

Early Career Teachers' Induction and Early Professional Development

9.49. All beginning teachers are required to take part in an induction programme of support to help them consolidate their skills in the classroom. The programme is provided by the EA, as the lead body, in partnership with schools and higher education institutions. On successful completion of the induction stage, all beginning teachers undertake a programme of early professional development (EPD). This stage of a teacher's professional development is provided by schools, as the lead bodies, in partnership with the EA and higher education institutions. It is the responsibility of Boards of Governors of schools to confirm, or otherwise, the successful completion of induction and EPD and to inform the GTCNI.

9.50. Further details of these two stages of a beginning teacher's professional development, together with the roles, responsibilities and teaching competences associated with each, may be accessed online in the '[Teacher Education Partnership Handbook \(August 2010 Edition\)](#)' and in the publication '[Teaching: the Reflective Profession](#)'. Also see the '[Early Career Teachers Induction and Early Professional Development](#)' section of the EA website.

Performance Review and Staff Development (PRSD): Teachers

9.51. A Performance Review and Staff Development (PRSD) Scheme, agreed at the Teachers' Negotiating Committee [TNC 2014-1 PRSD Scheme](#), applies to all qualified teachers, other than teachers participating in induction and early professional development. PRSD is integral to the school development planning process. It is designed to contribute to the process of continuous improvement and to assist principals and teachers to improve their individual performance. Under the Scheme, the Board of Governors has a strategic responsibility for adopting a PRSD policy for their school and for monitoring its implementation.

9.52. The Board of Governors has a duty:

- to review the performance of the principal annually
- to ensure the professional development and performance of teachers is reviewed annually in accordance with the PRSD Scheme

9.53. A Board of Governors is required to designate a minimum of two governors to undertake an annual review of the principal's performance. External advisors may be appointed to each school to help and advise the governor reviewers. However, if a school can demonstrate that they no longer require the use of an external advisor they can opt out of using the services of an external advisor. Responsibility for agreeing objectives and reviewing the performance of the principal rests with the governor

reviewers. The principal is responsible for reviewing the vice-principal and the principal designates the reviewer of the other members of staff.

9.54. More detailed information is contained in the Performance Review and Staff Development Scheme [TNC 2014-1 PRSD Scheme](#) and in addition, the role of the governors designated to review the Principal's performance is set out clearly in the PRSD guidance for governors and principals.

Performance of Support Staff

9.55. The Board of Governors may request an annual report from the school principal on the assessment of performance of the non-teaching staff employed in the school. This annual report should contribute to the school's staff training and development plan.

Staff Training and Development

9.56. The Board of Governors has a responsibility to the school, to promote the personal and collective professional development of its staff, both teaching and nonteaching. This includes:

- devising and implementing a training and development policy linked to the outcomes of the PRSD exercise
- ensuring that the policy takes proper account of the needs of the school and provides clear guidance for staff in relation, for example, to secondments, attendance at courses during the school day, in-school time for teachers to undertake further professional qualifications
- being fair in implementing the policy
- ensuring that the school makes the best use of all the training and development days approved annually by DE including 'Baker Days'
- taking full account of the needs of the school when considering applications from staff for support in terms of, for example, finance and time release, to undertake further professional training
- producing a costed training and development plan appropriate to the needs of the school

9.57. The Board of Governors should ensure that any school training and development plan takes full account of their school's costed three-year development plan.

Effective Leadership and Teaching

i. Principals and Teachers

9.58. The matters causing concern to the Board of Governors, and which give rise to the initiation of procedures relating to the effective leadership and teaching may relate to pedagogic competence (for example quality of teaching, lesson planning and preparation, classroom relationships) or other aspects of professional performance, such as planning, management and leadership. In the case of support staff, administrative and financial and technical competence need to be considered, together with planning, management, productivity and leadership skills.

9.59. The test to be applied in determining whether the procedure/s should be invoked, is whether the standard of work or the nature of the deficiencies are having, or likely to have, a detrimental effect on the educational progress of the pupils and/or on the effective functioning of the school.

9.60. The Board of Governors should distinguish between a question of capability and a disciplinary matter. Where the work or aspects of the work of a principal or teacher is giving cause for concern this means not doing the job to the standards required.

9.61. Where the work of a teacher is giving cause for concern, every effort must be made to give the teacher reasonable time, opportunity and assistance to address identified difficulties and to become effective. The teacher must have access to appropriate support and training. If the teacher will not co-operate with the support programme offered under the scheme, appropriate disciplinary action will have to be considered.

9.62. Guidance on when the work or aspects of the work of a principal or teacher is giving cause for concern can be found in the following documents:

- TNC 2013/3 – Procedure for Supporting the Effective Leadership by School Principals [TNC 2013-3 Procedure for Supporting Effective Leadership by School Principals](#)
- TNC 2013/4 – Procedure for Supporting Effective Teaching in Schools [TNC 2013-4 Procedure for Supporting Effective Teaching in Schools](#)

9.63. It is imperative that the Board of Governors follows the agreed Procedures rigorously, particularly with reference to provision of a support programme, arrangements for monitoring, the involvement of the Education and Training Inspectorate and arrangements for appeal. The Board of Governors is required to apply the Procedures in a fair and sensitive manner, consistent with the Equality of Opportunity Policy Statement for teachers [TNC 2009-2 Teachers Equal Opportunities Policy](#).

9.64. Where a Board of Governors has ceased to use a teacher's services on grounds relating to professional incompetence or might have ceased to use the teacher's services on such grounds had the teacher not ceased to provide the services, it must report the case to GTCNI.

ii. Support Staff in Schools

9.65. In the case of support staff in schools, advice on procedures is available from the Education Authority's Human Resources Services.

Staff Welfare

9.66. The Board of Governors has a general duty of care in respect of the health, safety and welfare of all members of staff and others who may be using school premises. The TNC Circular Teacher Attendance Procedure (TNC 2008/02 – currently under review) and the Strategy for the Management and Promotion of Teacher Attendance [Managing Attendance Strategy for the Education Sector 2019 2022](#) provides advice and

guidance to governors on monitoring teacher absence due to sick absence. There are other policies and procedures in place to assist and support teachers, such as Temporary Variation of Contract (TNC 2009/07) [TNC 2009-7 Temporary variation of contract](#), Flexible Working Scheme (TNC 2009/06) [TNC 2009-6 Flexible working scheme](#) and Career Break Scheme (TNC 2009/5) [TNC 2009-5 Career break scheme](#).

Alcohol and Drug Misuse

9.67. Alcohol and drug misuse can have an effect on an employee's health and wellbeing and can give rise to a wide range of social problems affecting family, friends and colleagues. Alcohol and drug misuse can have a negative impact on conduct at work or on the job performance and the career prospects of staff and lead to such problems as:

- unhealthy role model for pupils
- reduced educational opportunities for pupils
- reduced classroom performance
- poor judgement, accidents, poor time keeping and absenteeism

9.68. The TNC Circular 2005/5 'Alcohol and Drug Misuse Policy and Procedures for Teachers in Grant-Aided Schools' [Alcohol & Drug Misuse Policy](#) provides information and guidance on dealing with staff misuse of alcohol and drugs.

Staff Harassment and Bullying

9.69. The Board of Governors should recognise that staff are its most valuable asset and have a right to be treated with dignity and respect. It has to be committed to the promotion of a harmonious and supportive working environment and to treating and investigating all allegations of bullying and harassment with equal seriousness, according to the negotiated TNC procedures and protocols. Bullying and harassment is unacceptable behaviour.

9.70. A Board of Governors needs to be aware that bullying and harassment may infringe legislation such as Health and Safety at Work (NI) Order 1978, Sex Discrimination Orders (NI) 1976 and 1988; The Fair Employment and Treatment Order 1998; the Race Relations (NI) Order 1997; the Disability Discrimination Act 1995; the Human Rights Act 1998; and Common Law. [Policy and procedure to combat bullying & harassment of teachers](#)

9.71. The TNC Circular 2005/2 'Promoting a dignified Workplace' [TNC 2005-2 Promoting a dignified work place](#) provides a policy statement and code of practice on measures to combat bullying and harassment of teaching staff in schools. JNC Circular No 77 provides information in relation to support staff in controlled and maintained schools.

Staff Redundancies

9.72. It is the responsibility of the Board of Governors to determine staffing levels in its school. When the possibility of a redundancy becomes apparent, it is essential that the correct procedures are followed. The 2010/1 TNC Circular 'Procedure for Handling Teacher Redundancies' [TNC 2010-1 Redundancy Procedure](#) provides information and guidance to Board of Governors in dealing with this issue. Employing authorities have

also issued supplementary guidance to controlled and maintained schools on handling redundancies in schools. In the case of all other grant-aided schools, the Board of Governors should have its own staff redundancy scheme.

9.73. The Employment Rights (NI) Order 1996 [Employment Rights \(NI\) Order 1996](#) outlines the terms under which employees can be made redundant. The Department for Economy (DfE) is responsible for Employment Relations Policy in relation to redundancies and employment rights. In addition, the Labour Relations Agency (LRA) has a Code of Practice in relation to Redundancy Consultation and Procedures [Labour Relations Agency - Redundancy](#) which summarises the statutory provisions in employment legislation and gives practical guidance on redundancy related issues.

9.74. The Board of Governors has the following statutory duties:

- to make, and take responsibility for, decisions on redundancies
- to follow the redundancy scheme and to implement the procedures in that scheme

9.75. The Board of Governors is also responsible for:

- making every reasonable effort to avoid the need for a redundancy
- advising the staff and the full-time officials or nominees of the recognised unions, as soon as they have identified the possible need for a redundancy
- at the same time, appointing an appeals panel (normally comprising three governors)

Retirement Schemes

Teachers' Premature Retirement Compensation Scheme

9.76. The Teachers' Premature Retirement Scheme [Circular 2010/14 - Teachers' Premature Retirement Compensation Scheme](#) is a management tool which Boards of Governors can use to effect a qualitative improvement in the educational provision in their schools. It allows teachers' employers to process redundancies in the context of necessary organisational change and to retire teachers in the interests of the efficient discharge of the employer's function. It does not confer a right to early retirement on teachers. The Board of Governors is responsible for:

- decisions to release a teacher from employment on grounds of redundancy
- decisions, subject to the approval of the relevant body, to recommend a teacher for release on grounds of the efficient discharge of the employer's function
- in both cases, subject to the approval of the relevant body, decisions to recommend compensation by way of added years

9.77. The maximum level of enhancement that may be awarded is set out within the terms of the Premature Retirement Scheme [Teachers' Premature Retirement Compensation Scheme](#). Any action arising from this scheme should be taken on the

initiative of the Board of Governors, and in accordance with advice from the Employing Authority.

9.78. The Department brought into effect on 30 April 2010 new premature retirement compensation regulations [Teachers' Premature Retirement Compensation Scheme](#) which have the effect of transferring to teachers' employers, all the costs associated with compensation for premature retirement, including the early payment of unreduced pension benefits.

Premature Retirement: Efficient Discharge of the Employer's Function Scheme

9.79. This Scheme should not be used in circumstances where dismissal would otherwise be the normal and proper course of action (for example gross misconduct, or inefficiency). Nor should it be used where a teacher no longer meets the normal requirements as to health and physical capacity for teaching. Separate arrangements apply for retirement on grounds of ill-health [NITPS - Ill-health Retirement Guide](#). In relation to this scheme, the Board of Governors should:

- NOT offer this retirement option only because a teacher wishes to retire early
- operate the scheme where a teacher's performance, although not having been found to give cause for concern under the agreed procedures, is below that which might be reasonably expected, for example in terms of methodology, lack of necessary specialist skills, relationships with the pupils or pressures arising from the implementation of new educational initiatives
- only use this scheme where the problems associated with the teacher's effectiveness and performance cannot be resolved adequately through training or support
- prior to offering the scheme, balance carefully the costs and advantages of premature retirement, consider any possible difficulties which are envisaged in recruiting a replacement (for example in shortage subjects) and consider any internal disruption which it may cause in the school
- identify clearly and unambiguously the reasons for application of the Efficient Discharge Scheme
- provide evidence which led to the conclusion there had been a significant decline in the teacher's effectiveness and/or motivation
- specify explicitly the required improvements
- specify how the pupils' needs and abilities would be better served by another teacher
- provide details of other strategies considered and deployed where there is evidence of a significant decline in teaching/managerial decline; including the provision of substantive records showing what action has been taken, during the previous 2 years by both the employer and the teacher to improve the quality of performance; this should include details of in-service training or support, or redeployment within the school
- supply details of the outcome of other strategies deployed
- provide confirmation that consideration has been given to the possibility of the teacher voluntarily moving to a position of lesser responsibility and a full explanation as to why this option has not been considered appropriate
- give other appropriate reasons not specified above

9.80. The Board of Governors should be aware that all premature retirement proposals have significant financial implications. Further information is contained in the DE Circulars 2010/14 and 2015/05 Teachers' Premature Retirement Compensation Scheme [Circular 2010/14 Teachers' Premature Retirement Compensation Scheme](#) and Termination of Employment on the Grounds of the Efficient Discharge of the Employers Function [Circular 2015-5 Efficient Discharge](#) respectively.

Termination of Employment of Teachers on the Grounds of Ill Health or Capability

9.81. The TNC Circular 2013/1 [TNC 2013-1 Termination of Employment - Ill Health or Capability](#) sets out procedures:

- for dealing with teachers who may no longer have the health or physical capacity for employment as a teacher
- for dealing with teachers whose attendance at work is such as to question whether they are capable of providing a regular and sustained service
- to be followed when a teacher makes a request to be considered for retirement on the grounds of permanent ill health

General

9.82. The policies described in this chapter are not exhaustive. A full list is included in the Guidance section at the end of the chapter.

Employment Tribunals

9.83. Employment tribunals hear complaints where employees have alleged discrimination against someone or have failed to respect their rights under employment law, for example unfair dismissal. A tribunal can order an employee to be re-engaged or reinstated and can award compensation. If the complaint is about a decision taken by the Board of Governors, the Board of Governors must be present before the tribunal to defend its action.

The Law Education Law

Education (NI) Order 1986 –Article 68 and Schedule 14, Parts I and II [Education and Libraries \(NI\) Order 1986](#) (*Appointment of teachers to a controlled school*)

Education and Libraries (NI) Order 1986 – Article 69 as amended by Article 42 of the Education and Libraries Order 1993 [Education and Libraries \(NI\) Order 1993](#) (*Salaries and other terms and conditions of employment of teachers*)

Education and Libraries (NI) Order 1986 – Article 72 [Education and Libraries \(NI\) Order 1986](#) (*Redundancy payments to teachers in certain voluntary and grant maintained integrated schools*)

Education and Libraries (NI) Order 1986 – Article 88 [Education and Libraries \(NI\) Order 1986](#) (employment of non-teaching staff)

Education and Libraries (NI) Order 1986 – Article 101 [Education and Libraries \(NI\) Order 1986](#) (*power of DE to give Directions*) as amended and substituted by the 1989 Order

Education and Libraries Order 1993 – Article 42 [Education and Libraries \(NI\) Order 1993](#) (*Salaries and other terms and conditions of employment of teachers*)

Education Reform (NI) Order 1989 – Article 123 [Education Reform \(NI\) Order 1989](#) (*Schemes of Management for Schools: provisions relating to staff*)

Education Reform (NI) Order 1989 – Articles 148-149 [Education Reform \(NI\) Order 1989](#) (*Information and training for Boards of Governors and Training Programmes*)

Education Reform (NI) Order 1989 – Article 151 [Education Reform \(NI\) Order 1989](#) (*Review of performance of teachers*)

Education Reform Order (NI) 1989 – Article 153 [Education Reform \(NI\) Order 1989](#) (*Appointment of teachers*)

Education Reform Order (NI) 1989 – Article 158 [Education Reform \(NI\) Order 1989](#) (*Power of DE to give Directions*) substitutes a new Article 101 in the 1986 Order

Education Reform (NI) Order 1989 – Schedule 4 [Education Reform \(NI\) Order 1989](#) (*Provisions relating to the staff of schools with delegated budgets*)

Education (NI) Order 1998 – Articles 34 to 41 and Schedule 1 [Education \(NI\) Order 1998](#) (*The General Teaching Council for NI*)

Education Regulations

Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 1991 SR No132 [Teachers' \(Compensation for Redundancy and Premature Retirement\) Regulations \(NI\) 1991](#)

Teachers' (Compensation for Redundancy and Premature Retirement) Regulations (NI) 2010 [Teachers' \(Compensation for Redundancy and Premature Retirement\) Regulations \(NI\) 2010](#)

Teachers' Salaries Regulations (NI) 1993 SR No 318 [Teachers' Salaries Regulations \(NI\) 1993 \(318\)](#)

Teachers' Salaries (Amendment) Regulations (NI) 1993 SR No 403 [Teacher's Salaries \(Amendment\) Regulations \(NI\) 1993 \(403\)](#)

Teachers' Salaries (Amendment No 2) Regulations (NI) 1993 SR No 447 [Teacher's Salaries \(Amendment No. 2\) Regulations \(NI\) 1993 \(447\)](#)

Teachers' Maternity and Parental Leave etc. Regulations (NI) 1999 SR No 471 [Maternity and Parental Leave etc. Regulations \(NI\) 1999](#)

Teachers' Maternity and Parental Leave etc. (Amendment) Regulations (NI) 2002 SR No 110 [Maternity and Parental Leave etc. \(Amendment\) Regulations \(NI\) 2002](#)

Teachers' Maternity and Parental Leave etc. (Amendment No. 2) Regulations (NI) 2002 SR No 135 [Maternity and Parental Leave etc. \(Amendment No. 2\) Regulations \(NI\) 2002](#)

Teachers' Superannuation Regulations (NI) 1998 SR No 333 [Teachers' Superannuation Regulations \(NI\) 1998](#)

Teachers' (Terms and Conditions of Employment) Regulations NI) 1987 SR No 267 [Teachers' \(Terms & Conditions of Employment\) Regulations \(NI\) 1987 \(267\)](#)

Teachers' (Terms and Conditions of Employment) Regulations NI) 1988 SR No 299 [Teachers' \(Terms & Conditions of employment\) Regulations \(NI\) 1988 \(299\)](#)

Anti-Discrimination Laws

Immigration and Asylum Act 1999 [Immigration and Asylum Act 1999](#)

Disability Discrimination Act 1995 as amended (DDA) [The Disability Discrimination Act 1995 \(Amendment\) Regulations \(NI\) 2004](#)

EC Framework Directive for Equal Treatment in Employment and Occupations (2000/78/EC) - Article 15(2) (*exemption from non-discrimination religion and belief provisions the recruitment of teachers in schools in NI*) [EU COUNCIL DIRECTIVE 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation | Equal Rights Trust](#)

Employment Rights (NI) Order 1996 [Employment Rights \(NI\) Order 1996](#)

Employment Equality (Sexual Orientation) Regulations (NI) 2003 [Employment Equality \(Sexual Orientation\) Regulations \(NI\) 2003](#)

Employment Equality (Age) Regulations (NI) 2006 [Employment Equality \(Age\) Regulations \(NI\) 2006](#)

Equal Pay Act (NI) Order 1970 as amended (EPA) [Equal Pay Act 1970 \(Amendment\) Regulations 2003](#)

Equality (Disability, etc.) (NI) Order 2000 [Equality \(Disability, etc.\) \(NI Order 2000](#)

Fair Employment and Treatment (NI) Order 1998 as amended (FETO) [Fair Employment and Treatment \(NI Order 1998](#) *(exemption from non-discrimination religion and belief provisions in the recruitment of teachers in schools in NI) currently under review.*

NI Act 1998 [Northern Ireland Act 1998](#)

Race Relations (NI) Order 1997 as amended (RRO) [Race Relations Order 1997 \(Amendment\) Order \(NI\) 2012](#)

Sex Discrimination (NI) Order 1976 as amended (SDO) [Sex Discrimination \(NI\) Order 1976](#)

Anti-Discrimination Statutory Codes

Age Discrimination in NI – The Law and Good Practice for Employers
[AgeDiscrimEmployerguide2006B \(equalityni.org\)](http://equalityni.org/AgDiscrimEmployerguide2006B)

A Step-by-Step Guide to Monitoring – Monitoring your workforce and applicants in line with fair employment regulations
[Step by Step Guide to monitoring \(equalityni.org\)](http://equalityni.org/Step-by-Step-Guide-to-monitoring)

A Unified Guide to Promoting Equal Opportunities in Employment (A comprehensive statement on good employment practice)
[Unified guide to promoting equal opps \(equalityni.org\)](http://equalityni.org/Unified-guide-to-promoting-equal-opp)

Code of Practice on Equal Pay 1999 (ECNI) [Code of Practice - Equal Pay \(equalityni.org\)](http://equalityni.org/Code-of-Practice-Equal-Pay)

Code of Practice for Employers for the Elimination of Racial Discrimination and the Promotion of Equality of Opportunity in Employment
[Code of Practice for Employers Race Discrimination \(equalityni.org\)](http://equalityni.org/Code-of-Practice-for-Employers-Race-Discrimination)

Code of Practice for all Employers on the avoidance of Race Discrimination in recruitment while seeking to prevent illegal working [Guide for employers prevention of illegal working \(gov.uk\)](http://gov.uk/Guide-for-employers-prevention-of-illegal-working) *(published by the Home Office)*

Disability Code of Practice – Employment and Occupation (2005) [Disability Code of Practice \(equalityni.org\)](http://equalityni.org/Disability-Code-of-Practice)

Disability Discrimination Code of Practice for Schools (2006) [Disability Discrimination Code of Practice for Schools \(equalityni.org\)](http://equalityni.org/Disability-Discrimination-Code-of-Practice-for-Schools)

Disability Discrimination Code of Practice – rights of access goods, facilities, services and premises [2003] [DDA Code of Practice GFS \(equalityni.org\)](http://equalityni.org/DDA-Code-of-Practice-GFS)

Eliminating Sexual Orientation Discrimination in NI– A Guide on the provision of goods, facilities, services and premises [Eliminating Sexual Orientation Discrimination NI \(equalityni.org\)](http://equalityni.org/Eliminating-Sexual-Orientation-Discrimination-NI)

Fair Employment in NI – Code of Practice 1989 [Fair Employment NI \(equalityni.org\)](http://equalityni.org/Fair-Employment-NI)

Recruitment and Advertising – A Good Practice Guide
[Recruitment advertising - equality guidelines when recruiting staff \(equalityni.org\)](http://equalityni.org/Recruitment-advertising-equality-guidelines-when-recruiting-staff)

Removing Sex Bias from Recruitment and Selection – A Code of Practice 1995 (EOCNI) [Removing Sex Bias from the Recruitment & Selection Process \(equalityni.org\)](http://equalityni.org/Removing-Sex-Bias-from-the-Recruitment-&-Selection-Process)

Section 75 of the NI Act 1998 – Guide to Statutory Duties [Section 75 of the NI Act 1998 a Guide for Public Authorities \(equalityni.org\)](http://equalityni.org/Section-75-of-the-NI-Act-1998-a-Guide-for-Public-Authorities)

Sexual Orientation Discrimination in NI – The Law and Good Practice [Sexual Orientation Guide \(equalityni.org\)](http://equalityni.org/Sexual-Orientation-Guide)

Guidance / DE Guidance

DE Circular 2013/1 Child Protection: 'Pre-employment Guide to vetting [Circular 2013/01 - Pre-employment vetting of school staff](#)

DE Circular 2006/08: Child Protection 'Training requirement for School Governors on staff recruitment and selection panels' [Circular 2006-08 -child protection training for BoG - staff recruitment](#)

DE Circular 2006/09: Child Protection; 'Criminal background checking of staff in schools: programme to extend coverage'
<https://www.education-ni.gov.uk/publications/200609-criminal-background-checkingstaff-schools>

DE Circular 2012/19: Child Protection 'Pre-employment Vetting of Volunteers [Circular 2012/19 - Vetting of volunteers - Guidance for Schools and Employing Authorities](#)

DE Circular 2010/14: Teachers' Premature Retirement Compensation Scheme
[Circular 2010/14 Teachers' premature retirement compensation scheme](#)

DE Circular 2015/05: Termination of Employment on the Grounds of the Efficient Discharge of the Employers Function
[Circular 2015/05 Termination of employment - efficient-discharge](#)

DE Circular 2015/12: General Teaching Council for Northern Ireland (Registration of Teachers) (Amendment) Regulations (NI) 2015
<https://www.education-ni.gov.uk/publications/circular-201512-gtcni-registration-teachers-amendmentregulations-ni-2015>

DE Circular 2021/11: Teachers' Pay and Allowances from 1 September 2020 [Teachers Pay Circular wef 1 September 2020](#)

Guidance to Boards of Governors on the Formulation and Implementation of Salary Policy

The Teacher Education Partnership Handbook
<https://www.education-ni.gov.uk/articles/teacher-education-partnership-handbook>

General Teaching Council for NI (GTCNI) Publication

Teaching: the Reflective Profession
<https://gtcni.org.uk/professional-space/professional-competence/teaching-the-reflectiveprofession>

JNC Circulars available from the EA

Support Staff: Discipline, Grievance, Harassment

JNC Circular No 77 Statement and Code of Practice on Measures to Combat Harassment in the Workplace for Non-teaching staff in controlled and maintained schools third revision March 2007 **Support Staff: Equal Opportunities**

JNC Circular No 102	Equal Opportunities Policy revised October 2006
JNC Circular No 103	Policy and Code of Practice on Employment of Persons with Disabilities

Support Staff: Leave and Time off Provisions

JNC Circular No 27	Special Leave
JNC Circular No 31	Payment in Lieu for untaken Annual Leave
JNC Circular No 46	Carry Over of Annual Leave
JNC Circular No 63	Long Service Leave Arrangements Addendum April 2002
JNC Circular No 63	Long Service Leave addendum
JNC Circular No 236	Parental Leave Provisions
JNC Circular No 140	Annual Leave Entitlement wef 1 October 2006

Support Staff: Miscellaneous

JNC Circular No 19	Compensation for Loss or Damage to Staff Property due to Terrorist Attack
JNC Circular No 22	Working with VDUs
JNC Circular No 24	Scheme Relating to Facilities for Study for Approved Qualifications
JNC Circular No 26	Payment to Employees in the Event of Death or Disablement due to Assault
JNC Circular No 33	Smoking in the Workplace
JNC Circular No 53	Classroom Assistants and other Term-time only staff in Schools (Secretaries and Technicians) Addendum issued August 2002
JNC Circular No 84	Single Status Agreement
JNC Circular No 97	Internet and Email Usage Policy
JNC Circular No 124	Facilities for Industrial Relations Duties and Trade Union Activities

Support Staff: Other Policies Applicable

Anti-Fraud Policy
Carer Leave Scheme
Code of Conduct for Staff
Code of Procedures on Recruitment and Selection
Collective Disputes Procedure
Disciplinary Procedure
Flexible Working Hours
Gifts and Hospitality
Grievance Procedure
Health and Safety Policy and Statement
Joint Declaration of Protection
Pension/Policy Discretions
Redundancy Procedure
Sexual Harassment Policy

Support Staff: Pay and Allowances

JNC Circular No 32	Pedal Cycle Rate of Mileage
JNC Circular No 121	Car Mileage Rates
JNC Circular No 142	Implementation of Job Evaluation for Classroom Assistants
JNC Circular No 169	School Staff: School Meals Abatement
JNC Circular No 200	Call-out Payment for Maintenance Staff employed in the Transport Service w.e.f. 01.04.2021
JNC Circular No 296	NJC Pay w.e.f. 01.04.2021
JNC Circular No 297	First Aid allowance w.e.f. 01.04.2021
JNC Circular No 298	Payment to Building Supervisors for Electoral Duties w.e.f. 01.04.2021

Support Staff: Work Life Balance

JNC Circular No 21	Job Sharing Scheme second revision March 2007
JNC Circular No 129	Career Breaks Scheme third revision September 2007

Issued by the Teachers Negotiating Committee (TNC)

TNC Circular 2005/2 'Promoting a dignified Workplace'

[TNC 2005/2 Promoting a dignified workplace](#)

TNC Circular 2005/5 'Alcohol and Drug Misuse Policy and Procedures for Teachers in Grant-Aided Schools'

[TNC 2005/5 Alcohol & drug misuse policy](#)

TNC Circular 2016/2 'Disciplinary Procedures and Notes for Guidance'

[TNC 2016-2 Disciplinary Procedure for teachers](#)

Notes for guidance, TNC 2016/3 'Disciplinary Procedure Notes of Guidance' [TNC 2016/3 Disciplinary procedure - guidance notes for BoG](#)

TNC Circular 2008/2 'Teacher Attendance Procedure'

[TNC 2008-2 Teacher Attendance Procedure currently under review](#)

TNC Circular 2009/4 'Job Share Scheme'

[TNC 2009-4 job-share-scheme-teachers](#)

TNC Circular 2009/5 'Career Break Scheme Teaching Staff'

[TNC 2009-5-career-break-scheme for teachers](#)

TNC Circular 2010/1 'Procedure for Handling Teacher Redundancies' [TNC 2010/1 procedure for handling teacher redundancies](#)

TNC Circular 2013/1 'Termination of Employment of Teachers on the Grounds of Ill Health or Capacity'

[TNC Circular 2013/1 ill health retirement](#)

TNC Circular 2014/01 'Performance Review and Staff Development Scheme'
[TNC 2014/1 PRSD](#)

TNC Circular 2021/1 'Teachers' Maternity Leave Scheme'
[TNC 2021/1 Teachers' Maternity Leave Scheme](#)

TNC Circular 201454 'Teachers' Adoption Leave Scheme'
[TNC 2015-4 Teachers' Adoption Leave Scheme](#)

TNC Circular 2015/3 'Teachers' Paternity Leave Scheme'
[TNC 2015-3 Teachers' Paternity Leave Scheme](#)

TNC Circular 2014/6 'Grievance Procedure for Teachers, including Principals and VicePrincipals in Grant-aided Schools'
[TNC 2014/6 grievance procedure](#)

Further information on School Staff can be found by contacting the Teacher Negotiating Team in the Department of Education. They can be contacted via email to TNT.Team@education-ni.gov.uk – for TEACHING staff terms & conditions
Teachers.Pay@education-ni.gov.uk – for Teachers' PAY queries.

10. Pupil Admissions

This chapter explains open enrolment policy and the legislation including the duties and responsibilities of the Board of Governors that relate to the admission of pupils to mainstream schools. It also explains the Department's policy on transfer from primary to post-primary education.

The Role of the Board of Governors

The role of the Board of Governors is to make arrangements for the admission of pupils to the school and approve the criteria to be applied when the school is oversubscribed. The Board of Governors must ensure that these arrangements comply with the timetables issued by the Department of Education and all appropriate legal requirements.

Open Enrolment Policy

10.1. The policy of open enrolment enables parents to express their preferences for the schools that they wish their children to attend and enables schools to meet those preferences within the limits of their approved enrolment and admissions numbers. Where a school receives more applications than it has places available, it must select between applicants on the basis of the school's published admissions criteria. The criteria must therefore be capable of selecting between pupils down to and including the last available place.

Policy on Transfer from Primary to Post-primary Education

10.2. Reflecting public support for academic selection, the Department supports the right of those schools wishing to use academic selection as the basis for admission of some or all of their pupils to do so. Academic selection has the potential to enable social mobility and gives every child an opportunity of gaining access to the most appropriate school to meet their needs and enhance their life chances.

10.3. The guidance published on 7 September 2016, includes reference to a recommended, Free School Meal Entitlement (FSME) admissions criterion as a complementary measure to address directly this inequality. This recommended criterion is designed to ensure that FSME applicants gain admission at a rate proportionate to their rate of application.

Roles and Responsibilities

Department of Education (DE)

10.4. DE is responsible for the open enrolment policy and legislation which includes the arrangements for the transfer of pupils from primary to secondary education. DE provides guidance on the procedure for transfer from primary to post-primary school. This guidance confirms that DE endorses the right of schools who wish to prepare pupils for academic selection to do so. It advises primary schools of what assistance they can make to help prepare pupils sitting transfer tests and removes any perceived threat to them in their work to support children as they transfer to post-primary school. This guidance on the transfer procedure arrangements is available on the DE website; the web links are listed at the end of this chapter.

10.5. DE continues to approve, as required by law (i) an enrolment number for each nursery school, (ii) an enrolment and an admissions number for each primary and postprimary school for each school year. These numbers are approved after consultation with the Board of Governors, the EA and in the case of Catholic maintained schools, with CCMS.

10.6. DE is required to calculate the enrolment number having regard to the legal standards relating to school premises and the teaching accommodation available for use by pupils at the school. In the case of a nursery school, the extent to which full time or part-time education is to be provided is also taken into account. The approved enrolment number determines the maximum number of pupils who may be enrolled in the whole school in any school year.

10.7. The admissions number is calculated on the basis of the enrolment number and the number of year groups in the school and in the case of primary schools the statutory class size limits in the Foundation Stage (Years 1&2) and Key Stage 1 (Years 3&4). For information on class sizes in Years 1-4 see [DE Circular 2011/01](#). The approved admissions number determines the maximum number of pupils in the normal age group who may be admitted, that means to Year 1 in a primary school or to Year 8 in a postprimary school.

10.8. The Board of Governors, through the principal, may apply to DE for a temporary variation in either its enrolment number or its admissions number, for children applying

for admission to a primary or a post-primary school. DE considers each request on its merits after consultation with the relevant education interests.

10.9. The flexibility for temporary variations can be useful in resolving short term pressures on places in a particular area. However, it can lead to a school's actual pupil enrolment being significantly greater than its accommodation-based enrolment as calculated by DE. In such situations, DE can consider general enrolment trends and can consider if measures should be taken to bring the school's enrolment back into line with the numbers appropriate for the school.

Education Authority (EA)

10.10. The EA must make arrangements to enable parents to express their preferences for the schools that they wish their children to attend. Information is published for each school year about the particulars of the arrangements for the expression of parental preferences and for the admission of pupils to schools. The particulars must include in relation to each school:

- the school's enrolment and admissions numbers
- the criteria which the school will use to select children for admission in the event of the school being oversubscribed with applicants

This means that admissions criteria must be drawn up and approved by school Boards of Governors very early in the first term of the school year for publication in accordance with the timescales included in the open enrolment circulars mentioned below.

10.11. The EA is required to make arrangements to facilitate the establishment and operation of Independent Admissions Appeals Tribunals. These tribunals hear, consider and take decisions on parental appeals against the decision of a school not to admit their child. An appeal can be made only on the basis that the school's admissions criteria were not applied or were not correctly applied and that under the correct application of the criteria, the appellant would have been admitted.

School Boards of Governors

10.12. The Board of Governors has a statutory duty to make arrangements for the admission of children to its school. Detailed information about the operation of open enrolment, including a timetable for the operation of the admissions processes, is contained in the Circulars published on the DE website under:

- Schools and Infrastructure/School Admission Guidance:
<https://www.education-ni.gov.uk/articles/school-admissions-guidance#toc-4>

10.13. Boards of Governors and Principals of primary and post-primary schools are also required to 'have regard' to the Department's guidance on post-primary transfer policy. The term 'have regard' is explained within the guidance.

10.14. It is important that schools adhere to the timetable for the open enrolment processes. Governors should also be aware of their obligations to verify applicant information in cases where there is general knowledge or belief of a problem with applicant information. Further information is available in the circulars published on the DE website.

Duties of School Boards of Governors

Compliance with Parental Preference

10.15. Under open enrolment, the Board of Governors is required to admit all pupils whose parents have expressed a preference for their children to be educated at the school but only where the number of applicants does not exceed the school's approved admissions number.

10.16. The Board of Governors of a primary school is permitted to vary its approved admissions number within the limits set out in the DE Circular: Open Enrolment in Primary Schools (the most recent version will be available on the DE website), provided the variation can be contained within its approved enrolment number. Any other variations are subject to the prior approval of DE.

Compliance with DE admissions and enrolment numbers

10.17. The Board of Governors has a legal obligation under Article 10(2) of the Education (NI) Order 1997 not to admit children in excess of the admissions and enrolment numbers approved by DE for the school. Also, it must ensure that the number of registered pupils at the school at any time does not exceed the school's admissions or enrolment numbers.

10.18. When calculating the number of registered pupils admitted to the school for this purpose, any pupil admitted in compliance with a School Attendance Order, or a direction of either an appeal tribunal, the Exceptional Circumstances Body or the EA, should not be counted in relation to the school's admissions or enrolment numbers for the year in which they are admitted. They are counted for subsequent years. Pupils with a statement of special educational needs are not counted within a school's admissions and enrolment numbers at any stage.

Compliance with a School Attendance Order

10.19. The Board of Governors is required by law to admit a child in compliance with a School Attendance Order where the school is named in that order as the school that the child should attend.

Compliance with a direction of the Education Authority

10.20. The Education Authority has the power under Article 42 of the Education (NI) Order 1996 (after consultation) to direct a school to admit a child in its area, when the child has been expelled from another school or has been refused admission to the other schools within a reasonable distance from the child's home. The Board of Governors must by law comply with the direction.

Compliance with a Statement of Special Educational Needs

10.21. When the EA makes a statement of special educational needs for a child, it must comply with the parents' preference of school, unless the school is unsuitable for the child or the placement would be incompatible with the efficient education of the other children with whom the child would be educated, or with the efficient use of resources. Before naming a school in the statement, the EA must consult the Board of Governors. However, once a school is named in the statement, the Board of Governors must by law admit the child. More information on the duty of Boards of Governors in relation to Special Educational Needs can be found in Chapter 12 of this guide.

Admissions Criteria

10.22. When the number of applications for admission to a school exceeds the places available at the school, the places must be allocated using the school's admissions criteria. The Board of Governors is required to draw up, and may from time to time amend, the criteria to be applied in selecting children for admission when the school is oversubscribed.

10.23. When drawing up or amending the criteria, the Board of Governors of a controlled school must consider any representations made to it by the EA. In the same way, the Board of Governors of a Catholic maintained school must consider any representations made to it by CCMS.

10.24. The admissions criteria must:

- be capable of selecting between pupils down to and including the last available place
- provide for all children resident in Northern Ireland at the time of their proposed admission to be selected for admission before any child not so resident

10.25. The criteria for nursery and primary admissions must be compliant with:

- The Pre-School Education in Schools (Admissions Criteria) (Amendment) Regulations (NI) 2012
- the Primary Schools (Admissions Criteria) Regulations (NI) 1997 which apply to all primary schools

10.26. The Board of Governors of all post-primary schools must 'have regard' to the content of the Department's guidance on post-primary transfer and in particular the recommendations relating to admissions criteria. The Secondary Schools (Admissions Criteria) Regulations (NI) 1997 (SR 1997 No 439) no longer apply to post-primary admissions.

10.27. Once published the criteria cannot be amended without the specific approval of the Department.

10.28. It should also be noted that the admissions criteria used by a post-primary school for selecting between applications from pupils in other post-primary schools, may be different from the criteria to be used for selecting between applications from pupils transferring from primary education.

Delegation

10.29. Many of the Board of Governors' responsibilities relating to admissions (including the drawing up and application of the admissions criteria) may be delegated to an Admissions Committee but the admissions criteria should be agreed and approved by the Board of Governors before they are published and applied.

Refusal to Admit a Pupil

10.30. For admissions to year groups other than the normal years of admission to primary schools and post-primary schools at Years 1 and 8, the Board of Governors may refuse to admit a child to the school in cases where it is considered that admission would prejudice the efficient use of resources. In doing so, it should be noted that the Board of Governors could be required to provide evidence to support its decision in the event of a parental complaint. DE has established a parents' complaint process to consider the reasonableness of a school's use of this option. DE issued revised guidance to schools on the complaint's procedure in 2010, a copy of which is available on the DE website.

10.31. The Board of Governors of a grammar school should note that the provisions in the open enrolment legislation which permitted them to refuse a child admission to the school on the grounds that (i) it would be detrimental to the educational interests of the child and (ii) the academic ability of the child is not of a standard equivalent to that of the pupils with whom he or she would be taught have been repealed. This means that with effect from the admissions process in 2010 onwards, grammar schools have no longer had the power to refuse admission on these grounds.

Publication of Information

10.32. The Board of Governors must publish the information required by the School Information and Prospectuses Regulations (NI) 2003 not later than 6 weeks before the date by which parents must express their school preferences. The information for a nursery school must include:

- the arrangements for the admission of pupils to the school
- the school's admissions criteria
- the arrangements for parents of prospective pupils to visit the school

The information for a primary or a post-primary school must include:

- how parents can access the information the EA is required to publish about the arrangements for the admission of pupils to schools
- the arrangements for parents of prospective pupils to visit the school
- the number of pupils who applied and the number admitted to the school in the previous 3 years

10.33. More detailed guidance about the information required to be published by school

Boards of Governors is in DE Circular 2003/15 Education (School Information and Prospectuses) Regulations (NI) 2003

<https://www.educationni.gov.uk/publications/circular-200315-education-regulations-2003>.

Appeals against Admission Decisions

10.34. Parents may appeal to an independent tribunal against the decision of a Board of Governors to refuse their child admission to the school, on the grounds that the school's admissions criteria were either not applied or were not applied correctly and if they had been correctly applied the child would have been admitted to the school. If the tribunal finds in the parents' favour, it will allow the appeal and direct the Board of Governors to admit the child to the school. The Board of Governors has a statutory duty to comply with the direction given by the tribunal.

10.35. Parents may also submit an application to the Exceptional Circumstances Body (ECB) in situations where their child has not been admitted to the school and they consider that, for exceptional reasons, they must attend. This facility is available only in respect of admissions to post-primary schools (Years 8-12). The Board of Governors of the school specified in the application form will be afforded the opportunity to provide written or oral representation to the panel hearing a case, but it is not obliged to do so. Hearings may proceed regardless of whether or not the Board of Governors comments on an application.

10.36. In respect of all of the applications that it hears, the panel will decide either:

- that the child who is the subject of an application, does have exceptional circumstances that require their admission to the post-primary school that his/her parents have specified. If this is the case, the panel will direct the specified school to admit the child
- that the child who is the subject of an application, does not have exceptional circumstances that require their admission to the post-primary school that their parents have specified. If this is the case, the panel will not direct the specified school to admit the child

Additional Information

Duty on Parents

10.37. The parents of children of compulsory school age are required by law to ensure that their children receive full-time education suitable to their age, ability and aptitude and to any special educational needs that they may have, either by regular attendance at school or otherwise. The EA is responsible for ensuring that parents carry out this duty.

School Starting Age

10.38. Where a child reaches the age of four on or between 1 September and 1 July* in the same school year, the child has to start school at the beginning of the next school year. Where a child's birthday falls on or between 2 July and 31 August in the same calendar year, the child has to start school in the September immediately after his fifth birthday. All pupils must complete 12 years full-time education at school.

***Primary School Deferral – from 2022**

The School Age (Northern Ireland) Bill 2022 allows the parents/ guardian of Young for Year children to defer the start of pre-school and/or primary school for their child for one year.

Deferral of primary school starting age is available on parental request to any child born between 1 April and 1 July (inclusive) and to any child due to be born on or after 1 April but born before this date due to prematurity. This does not involve an educational assessment.

Deferred children are treated as normal members of the school year group below their original school year and will apply for pre-school and Year 1 through the normal admissions process. They will usually remain part of their revised year group throughout their time at school.

Age of Transfer from Primary to Secondary Education

10.39. A pupil with an eleventh birthday on or between 1st September and 1st July in the same school year must transfer to a post primary school with effect from the start of the next school year. Where a pupil's eleventh birthday falls on or between 2nd July and 31st August in the same calendar year, he/she must transfer to a post primary school with effect from the start of the school year following his or her 12th birthday. In a deferred case (see para 10.38) a child will normally commence secondary school following their twelfth birthday.

10.40. The Board of Governors of a pupil's primary school may decide whether a pupil should transfer to post primary education a year earlier or a year later than the normal age; details of these arrangements are contained in DE Circular 1996/24 www.education-ni.gov.uk/publications/circular-199624-guidance-arrangements-transferpupils-primary-secondary-education-other.

Transfers between Schools

10.41. Parents may apply to transfer their child to another school at any stage of the child's compulsory education. Such applications arise from time to time due to a variety of different circumstances, including a relocation of the family home. Also, a pupil over compulsory school age may apply for admission to a different school to undertake A level studies.

The Law

Primary Legislation

Education (NI) Order 1996 - Article 16(5)(b) and the Special Needs Code of Practice, paragraph 4.44 (*statement of educational needs*)

Education (NI) Order 1996 - Article 27 (4) (*school attendance order*)

Education (NI) Order 1996 - Article 42 (*direction by EA to admit child to specified school*)

Education (NI) Order 1997 - Articles 9 to 13 & 15 to 17 (*admission of children to grantaided schools*)

Education (NI) Order 1998 - Articles 22 to 33 (*admission of children to pre-school education at grant-aided schools*)

Education and Libraries (NI) Order 2003 - Article 21 (*amends Article 23 of the 1998 Order*)

Education (NI) Order 2006 - Article 27 (*admissions to grammar schools*) Note: this repeals Article 14 and amends Article 13 and 15 of the 1997 Order.

Education (NI) Order 2006 - Article 28 (*admissions criteria*) Note: this replaces Article 16 of the 1997 Order and applies to admissions in the 2010/11 school year onwards.

Education (NI) Order 2006 - Article 29 (*admissions to secondary school: exceptional circumstances*) Note: this also applies to admissions in the 2010/11 school year onwards.

Education (NI) Order 2006 - Article 30 (*guidance as to admissions*) Note: this makes provision for the issue of admissions guidance to which boards, schools and appeal tribunals must have regard.

School Age (NI) Act 2022 (Compulsory School Age and deferral)

Subordinate Legislation

The Pre-School Education in Schools (Admissions Criteria) (Amendment) Regulations (NI) 2012

Primary Schools (Admissions Criteria) Regulations (NI) 1997 (SR 1997 No 438)

The School Admissions (Exceptional Circumstances) Regulations 2010 (SR 2010 No 19)

Class Sizes in Primary Schools Regulations (NI) 2000 (SR 2000 No. 27)

Guidance

All admissions related circulars are published on the DE website:

<https://www.education-ni.gov.uk/articles/school-admissions-guidance>

Post-primary transfer guidance from September 2016 <https://www.education-ni.gov.uk/sites/default/files/publications/education/ED1%2016%2081506%20%20Transfer%20Guidance%202016%20-%20Guidance%20to%20Primary%20School%20Princi.....pdf>

DE Circular 2016/15 The Procedure for transfer from Primary to Post Primary education (Revised November 2021)

<https://www.education-ni.gov.uk/publications/circular-201615-procedure-transferprimary-post-primary-education>

DE Circular 2016/17 Open Enrolment in Primary Schools (revised November 2021)

<https://www.education-ni.gov.uk/publications/circular-201816-open-enrolment-nurseryschools-and-nursery-classes-primary-schools>

DE Circular 2018/16: Open Enrolment in Nursery Schools and Nursery Classes in Primary Schools (Revised November 2021):

<https://www.education-ni.gov.uk/publications/circular-201816-open-enrolment-nurseryschools-and-nursery-classes-primary-schools>

DE Circular 2018/17: Open Enrolment in nursery, primary and post primary schools – timetables:

<https://www.education-ni.gov.uk/sites/default/files/publications/education/Open%20Enrolment%20in%20Nursery%20C%20Primary%20and%20Post%20Primary%20Schools%20%20Timetables%202021-22.PDF>

The following guidance is also relevant:

DE Circular 2003/15: Education (School Information and Prospectuses) Regulations (NI) 2003.

<https://www.education-ni.gov.uk/publications/circular-200315-education-regulations2003>

DE Circular 2011/01: Class Sizes for Pupils in Years 1-4 (Foundation Stage and Key Stage 1).

<https://www.education-ni.gov.uk/publications/circular-201101-class-sizes-pupils-years1-4-foundation-stage-and-key-stage-1>

Equality Commission for NI: Disability Discrimination Code of Practice for Schools

www.equalityni.org/ECNI/media/ECNI/Publications/Employers%20and%20Service%20Providers/SENDOPforSchools2006.pdf

School starting age – a guide for parents (published by the Education Authority in October 2015) <https://www.education-ni.gov.uk/publications/school-starting-age-guide-parents>

Further information on Pupil Admissions can be found by contacting the School Admissions. Team in the Department of Education. They can be contacted via Email: Schooladmissionsteam@education-ni.gov.uk

11. Religious Education and Collective Worship

This chapter explains the duties of the Board of Governors in relation to the provision of religious education and collective worship in a grant-aided school.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that there is provision for:

- religious education in the curriculum
- collective worship through school assemblies
- pupils and teachers to be exempted from such provision in accordance with legal requirements

Religious Education

11.1. The Boards of Governors of all grant-aided schools have a statutory duty to ensure that provision is made for religious education in the curriculum. The programme for religious education must be in line with the core syllabus for religious education specified by DE, which can be accessed on the Curriculum and Assessment page of the DE website. Schools are then free to build upon this in a way that best suits the needs of their pupils and the ethos of the school.

11.2. The Board of Governors is responsible for ensuring that:

- in a controlled school, the programme of religious education is undenominational
- the core syllabus for religious education as specified by DE, is taught in the school
- the school is accessible to pupils of all religious denominations for teaching in subjects other than religious education
- no pupils will be excluded directly or indirectly from the other advantages provided by the school
- pupils are partly or wholly excused from attendance at religious education if their parents make such a request
- there is no variation in payments from public funds in respect of a pupil because of their non-attendance at religious education
- Ministers of religion and other suitable persons, including teachers, to whom parents do not object, are given reasonable access at convenient times to pupils other than in nursery and special schools, to provide religious education according to the tenets of a particular religious denomination or otherwise
- Ministers of religion and other suitable persons, including teachers, to whom parents do not object, are given reasonable access at convenient times to pupils other than in nursery and special schools, to inspect and examine the religious education provided

- teachers who request part or whole exemption from teaching religious education, are granted it provided the request to the Board of Governors is made solely on the grounds of conscience
- teachers who are so exempted by the Board of Governors, are not paid at a lesser rate or deprived of, or disqualified from, promotion or any other advantage because of this exemption

The Inspection of Religious Education

11.3. When a school is being inspected, the inspectors will not include religious education classes in the lessons visited except with the explicit written agreement of the Board of Governors of the school.

Collective Worship

11.4. School Boards of Governors have a statutory duty to ensure that the school day includes collective worship through one or more pupil assemblies. At an assembly, the Board of Governors should make arrangements to ensure that:

- pupils are partly or wholly excused from attendance from acts of worship if their parents make such a request
- there is no variation in payments from public funds in respect of a pupil because of their non-attendance at collective worship
- teachers who request part or whole exemption from conducting or attending collective worship, are granted it provided the request to the Board of Governors is made solely on the grounds of conscience
- teachers who are so exempted by the Board of Governors, are not paid at a lesser rate or deprived of, or disqualified from, promotion or any other advantage because of this exemption

Complaints about Religious Education or Collective Worship

11.5. In the event of a complaint that the Board of Governors has acted or is proposing to act unreasonably with respect to the exercise of its powers or the performance of its duties relating to religious education or collective worship, the complaint will be considered by an Independent Complaints Tribunal. This tribunal will be established by the EA.

The Law

Primary Legislation

The Education and Libraries (NI) Order 1986 – Article 21 (*religious education and collective worship in controlled and voluntary schools, other than nursery or special schools*)

The Education and Libraries (NI) Order 1986 – Article 22 (*duties of teachers in controlled schools as to collective worship and religious education*)

The Education and Libraries (NI) Order 1986 – Article 102(7) (*inspection of educational and other establishments by Department*)

The Education (NI) Order 1996 – Article 25 (*religious education in special schools*)

The Education (NI) Order 2006 – Article 25(2) (d) (*complaints relating to collective worship*)

The Education (NI) Order 2006 – Article 11 (*core syllabus for religious education*)

The Education (Core Syllabus for Religious Education) Order (NI) 2007

Subordinate Legislation

The Primary Schools (General) Regulations (NI) 1973 (S.R. 1973 No.402) – Regulation 21(4)

The Secondary Schools (Grant Conditions) Regulations (NI) 1973 (S.R.1973 No.403) – Regulation 10

Guidance

Further information on religious education can be accessed on the Curriculum and Assessment page of the DE website at: <https://www.education-ni.gov.uk/publications/religious-education-core-syllabus>

12 Children with Special Educational Needs

This chapter explains DE policy and legislation and the role and responsibilities of the Education Authority (EA) and the Boards of Governors of mainstream schools in relation to pupils with special educational needs (SEN).

The Role of the Board of Governors

The role of the Board of Governors of a mainstream school is to exercise its functions in relation to the school with a view to ensuring that provision is made for registered pupils with special educational needs. The Board of Governors has a statutory duty to:

- take account of the provisions in the DE Code of Practice on identifying and assessing special educational needs and the Supplement to the Code
- ensure that the necessary special educational provision is made for pupils identified with SEN and that parents are notified of their child's special needs
- maintain and operate a policy on SEN

- ensure that where a registered pupil has special educational needs, those needs are made known to all who are likely to teach them
- ensure that the teachers in the school know the importance of identifying those registered pupils with SEN and of providing appropriate teaching
- allocate funding for special educational needs and disability
- prepare and take forward a written accessibility plan

DE Policy and Legislation

12.1. All schools are involved in the provision of special education and the majority of pupils with special educational needs will be catered for in mainstream schools. Inclusion of Children with SEN into mainstream settings is a key tenet of the Department of Education's policy.

12.2. The law governing children with special educational needs is contained in Part II of the Education (NI) Order 1996 and Parts II and III of the Special Educational Needs and Disability (NI) Order 2005 (SENDO) and the Special Educational Needs and Disability Act (NI) 2016.

12.3. The 1996 Order explains that a child has 'special educational needs', if he or she has a learning difficulty which calls for special educational provision to be made. A child has a 'learning difficulty' if:

- they have significantly greater difficulty in learning than the majority of children of their age
- they have a disability which either prevents or hinders them from making use of educational facilities of a kind generally provided for children of their age in ordinary schools
- they are under compulsory school age but is likely to fall within category i. or ii. above when they are of compulsory school age

12.4. 'Special educational provision' is defined in law as educational provision for a child which is additional to, or otherwise different from, the educational provision made generally for children of his or her age at ordinary schools.

12.5. Special educational provision can be made in different ways. It can mean extra help for a child being taught in class or it can involve teaching the child in a specially resourced Learning Support Centre attached to a mainstream school, or in a special school. In some cases, the needs of the child may be complex or severe and require the EA to make a statutory assessment based on specialist advice. SENDO strengthened the right of children with SEN to a mainstream education as well as introducing further services for parents and, for the first-time permitting claims of disability discrimination in schools to be heard before the Special Educational Needs and Disability Tribunal.

DE Code of Practice

12.6. The law enables DE to issue a Code of Practice on identifying and assessing SEN. The SEN Code, which was issued on 1 September 1998 to every school, sets out detailed guidance on all aspects of providing for special educational needs in mainstream and

special schools. As a result of SENDO, the Department introduced a Supplement to the Code in 2005. All school Boards of Governors, as well as the EA must take account of the Code and the Supplement.

The Role of the Education Authority

12.7. The EA is required to determine and to keep under review a policy in relation to special educational needs provision, after consultation with relevant interests including CCMS and the Boards of Governors of grant-aided schools. The EA must also, where reasonably practicable, seek and have regard to the views of a particular child with SEN and provide information and support necessary for that child to allow their participation in EA decisions affecting them.

Assessments

12.8. The EA has responsibility for formally assessing children with special educational needs who may need a statement of SEN. A child can be referred to the EA for assessment by the parents. A school Principal may also ask the EA to assess a child who is considered by the school to need a statutory assessment. The EA must decide whether a statutory assessment is necessary and inform the parents. The Code of Practice contains guidance on the statutory assessment process and on the involvement of parents. Further information on the statutory assessment process and an online request form is available on the EA's website at <https://www.eani.org.uk/parents/special-educational-needs-sen/statutory-assessment>.

Statements of SEN

12.9. The statement made by the EA identifies all the child's special educational needs and the arrangements needed to meet those needs, including the school placement. Parents can express their preference for the school that they wish their child to attend. Before naming a school in the statement, the EA must consult the Board of Governors. The Board of Governors is required to admit the child with a statement which names its school.

Appeals

12.10. The Special Educational Needs and Disability Tribunal (SENDIST) for Northern Ireland may consider an appeal from parents against:

- a decision of the EA not to carry out an assessment of a child's special educational needs following a request from a parent or school, but only if an assessment has not been carried out in the previous six months.
- a decision of the EA, after making an assessment, not to make a statement of the child's special educational needs;
- the content of the statement of special educational needs if the EA decide to make a statement or amend an existing statement concerning:
 - a. the description of the child's special educational needs;
 - b. the description of the special educational needs provision specified in the statement;

- c. the school named in Part 4 of the statement; and
 - d. a decision not to name a school in part 4 of the statement.
- a decision of the EA to cease to make a statement;

In some other circumstances an appeal can be made if:

- The EA turns down a parents request to have a child placed in a different school.
- EA decide not to re- assess a child

Further information about such appeals is contained in the booklet 'How to Appeal' which may be obtained from the Tribunal, by application to:

Special Educational Needs and Disability Tribunal (SENDIST) 2nd Floor
 Royal Courts of Justice
 Chichester Street
 BELFAST
 BT1 3JF

Telephone: 0300 200 7812.

Email: tribunalsunit@courtsni.gov.uk

12.11. Parents may also now make a claim of disability discrimination and further information on this, 'Disability Discrimination in Schools' may also be obtained from the Tribunal.

Responsibilities of the Board of Governors

Mainstream Schools

12.12. The Board of Governors must use its best endeavours, in exercising its functions in relation to the school, to secure that if any registered pupil has special educational needs, the special educational provision which their learning calls for is made.

12.13. The Board of Governors, in consultation with the Principal, decides the school's policy in relation to special educational needs, both for children with statements and for those without. It must ensure that a special needs policy is prepared, kept under review and implemented. This may require consultation with the EA and the Boards of Governors of other grant-aided schools for the purpose of co-ordinating provision for SEN pupils. This policy must be compatible with the statutory provisions relating to education (including, in particular, those relating to children with special educational needs).

12.14. In exercising its functions in relation to the school, the Board of Governors must have regard to its SEN policy. This means that it must set up appropriate staffing and funding arrangements and oversee the school's work in relation to SEN. The Board of Governors may establish a committee of its members to monitor the school's work for children with special educational needs.

12.15. Those concerned with making special educational needs for a registered pupil, must secure that the pupil engages in the activities of the school together with the other children who do not have special educational needs. That is, so far as this is compatible, with the pupil receiving appropriate special educational needs provision and with the

provision of efficient education for the other pupils with who they are educated and also with the efficient use of resources.

Accessibility Plans

12.16. In addition, the Board of Governors of a grant aided school has a statutory duty to prepare a written Accessibility Plan the purpose of which is for:

- increasing the extent to which disabled pupils can participate in the school's curriculum
- improving the physical environment of the school for the purpose of increasing the extent to which disabled pupils are able to take advantage of education and associated services provided or offered by the school
- improving the delivery to disabled pupils within a reasonable time and in ways which take account of their disabilities, and any preferences expressed by them or their parents and information which is provided in writing for pupils who are not disabled

12.17 In preparing an accessibility plan, the Board of Governors shall have regard to the need to allocate adequate resources for implementing the plan; to ensure it is implemented and kept under review; and to ensure the school's annual report includes information on its accessibility strategy for disabled pupils and its accessibility plan.

Admission of Pupils with SEN without a statement to mainstream schools

12.18. The Board of Governors should not refuse to admit a child because it considers that its school cannot cater for pupils with special educational needs. Pupils with special educational needs, but without statements, must be treated as fairly as all other applicants on the basis of the school's published admissions criteria. A child with special educational needs should not be refused admission on the grounds that they do not have a statement or are being currently assessed.

Admission of Pupils with Statements to Mainstream Schools

12.19. Parents may express a preference for the mainstream school which they wish their child to attend. The EA must comply with that preference unless the school is unsuitable for the child's age, ability, aptitude or special educational needs, or the placement would be incompatible with the efficient education of the other children with whom the child would be educated, or with the efficient use of resources. Before naming a school in the statement, the EA must consult the Board of Governors. Once a school is named in the statement, the Board of Governors must admit the child.

Admissions to Special Schools

12.20. Most admissions to special schools (not established in a hospital) are determined by a statement of special educational needs. Where parents express a preference for a particular grant aided school, the EA must name the parents' preferred choice of school in the child's statement unless the school is unsuitable to the child's age, ability or aptitude or his/her SEN; or the child's inclusion at the school would be incompatible with the efficient education of other pupils or the efficient use of resources. Before naming a

school in the statement, the EA must consult the Board of Governors. Once a school is named in the statement, the Board of Governors must admit the child.

12.21. A child without a statement of special educational needs may also be admitted to a special school for the purpose of assessment, or in specific circumstances. Pupils may only be admitted to a special school established in a hospital where there is a need for hospital treatment.

Teachers in Mainstream Schools

12.22. The Code of Practice requires the Board of Governors of a mainstream school to designate a member of staff at the school, to be known as the special educational needs co-ordinator (SENCO). The SEN Code of Practice says the SENCO is responsible for:

- the implementation of the school's SEN policy
- working with and advising teachers
- co-ordinating the teaching provided for children with special educational needs and overseeing the records of such pupils
- maintaining contact with parents of SEN pupils and contributing to the in-service training of staff
- working with external agencies, including the educational psychology service

12.23. In a small school, the Principal or Vice-Principal may be the SENCO. In a larger school, another teacher may be the SENCO and there may be a wider learning support team. The Board of Governors and the Principal must think carefully about the SENCO's role in the context of the Code of Practice and the resources available to the school.

The Statutory Curriculum

12.24. The statutory curriculum applies to pupils with special educational needs but may be changed or not applied in specific cases. Teachers need to set suitable learning challenges for all pupils, respond to their diverse needs and overcome potential barriers to learning and assessment for individuals and groups of pupils.

Finance

12.25. Pupils with special educational needs may require extra help. The cost of extra help for pupils without statements who attend mainstream schools is met from the school's budget allocation.

The Law

Education (NI) Order 1996, Part II Articles 3-28 and

The Special Educational Needs and Disability (NI) Order 2005 - Article 13-18

Special Educational Needs and Disability Act (Northern Ireland) 2016

Guidance

Code of Practice on the Identification and Assessment of Special Educational Needs
<https://www.education-ni.gov.uk/publications/code-practice-identification-andassessment-special-educational-needs>

Supplement to the Code of Practice
<https://www.education-ni.gov.uk/publications/code-practice-identification-andassessment-special-educational-needs>

DE Circular 2009/03: Regulations on use of work enhancements where students with disabilities have been granted exemptions from one or more components of an examination
<https://www.education-ni.gov.uk/publications/de-circular-200903-regulations-use-markenhancements-examinations-cases-where-students-disabilities>

DE Circular 2009/12: Every School a Good School: Way Forward on SEN
<https://www.education-ni.gov.uk/articles/review-special-educational-needs-andinclusion>

DE Circular 2019/03: Sen and Medical categories – Guidance for Schools
<https://www.education-ni.gov.uk/sites/default/files/publications/education/DE%20Circular%202019%2003%20%20SEN%20and%20Medical%20Needs%20Categories.pdf>

DE Circular 2021/06: Recording Children with Special Educational Needs (SEN) in Schools – New Guidance - Move to Three Stages of Special Educational Provision
<https://www.education-ni.gov.uk/sites/default/files/publications/education/DE%20Circular%202021%2006%20%20Three%20Stages%20of%20Special%20Educational%20Provision%20%28fin.....pdf>

Summary report of Responses to consultation on Code of Practice - 23 **June 21**
<https://www.education-ni.gov.uk/publications/summary-report-responses-consultationdraft-code-practice-june-2021>

Summary report of responses to consultation on new SEN Regulations – 23 **June 21**
<https://www.education-ni.gov.uk/publications/summary-report-consultation-responsesnew-draft-sen-regulations-june-2021>

13. Pupil Child Protection and Safeguarding

This chapter explains the role and responsibilities of Boards of Governors in relation to the pastoral care and protection of registered pupils at grant-aided schools.

The Role of the Board of Governors

One of the roles of the Board of Governors is to ensure that the school's pastoral care arrangements protect the pupils from harm, safeguard their health and welfare and support their learning and development.

The Board of Governors has a statutory duty to:

- safeguard and promote the welfare of registered pupils at the school at all times when the pupils are on school premises or in the lawful control or charge of a member school staff
- decide on the measures to be taken by all persons associated with the school to protect pupils from abuse, whether at school or elsewhere, and review them from time to time
- to have measures in place within their discipline policies to prevent bullying

13.1. All schools are in a unique position to promote and safeguard the welfare of children and young people who are their pupils. For this reason, the Department regards the role of schools in safeguarding children as paramount and has in place robust arrangements to support schools in this work.

13.2. This approach is underpinned by international and domestic legislation relating to children's welfare and protection. Article 19 of the United Nations Convention on the Rights of the Child provides that children have, "the right to be protected from all forms of physical and mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse by those looking after them". Article 3 of that Order established that; *'The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children'*. Also relevant are:

- Articles 34 and 36: Governments should protect children from all forms of exploitation and;
- Article 39: Children who have been harmed should receive help to recover and reintegrate into society

The Children (NI) Order 1995 provides for the welfare of the child to be the paramount consideration in specific court proceedings and Boards of Governors have specific statutory responsibilities under education legislation to safeguard and promote the welfare of registered pupils.

The Safeguarding Board Act NI (SBNI) 2011 established the Safeguarding Board for NI with a remit to co-ordinate and ensure the effectiveness of what is done by each person or body represented on the SBNI to safeguard and promote the welfare of children. s.

Further, the Children's Services Co-Operation Act (2015) established a requirement that *'Every Children's Authority must, so far as is consistent with the proper exercise of its children's functions, co-operate with other children's authorities and other children's service providers in the exercise of those functions'*.

13.3. Collectively, all the policies and arrangements which schools have in place to keep pupils safe, promote physical and mental health and general welfare, are described as the pastoral care system. In recent years this aspect of a school's activity has been given a much stronger focus: some of this has been driven by failures of the past, for example in areas of child protection and more recently in recognition that pupils will not achieve good educational outcomes if they are experiencing stress and are unsupported in the school environment.

13.4. This Chapter covers an overview of the pastoral care and welfare system and two key elements – child protection arrangements and health promotion activity. Related policies in areas such as safety on educational visits and pupil behaviour and discipline, and safety are covered in chapters [14](#) and [15](#).

Pastoral Care System

13.5. Through its pastoral care arrangements and provision and through its preventative education curriculum, a school demonstrates its continuing concern for the personal and social development of all its pupils, regardless of age or ability, as individuals and as secure, successful and fully participating members of the school and its wider community. Pastoral care is also concerned, in the post-primary school, with preparing pupils for the demands and challenges of adult and working life. Pastoral care is at its most effective when it is all pervasive and fully integrated into the school's teaching and non-formal learning practices, daily routines, its curriculum and its extracurricular activities.

Statutory Duty of Board of Governors

13.6. The Board of Governors of a grant-aided school has a statutory duty, under Article 17 of the Education and Libraries (NI) Order 2003, to safeguard and promote the welfare of registered pupils at the school at all times when:

- on the premises of the school
- in the lawful control or charge of a member of the staff of the school

This duty does not apply to pupils for whom accommodation is provided by the Board of Governors of a voluntary school, as an equivalent statutory provision is made by Article 176 of the Children (NI) Order 1995.

13.7. The outworking's of the Entitlement Framework may mean that some schools will have pupils attending from other schools. The Board of Governors must safeguard and promote the welfare of all pupils attending its school, whether registered or not, when they are on the premises of the school or in the lawful control or charge of a member of school.

13.8. Pupil welfare embraces all aspects of school life through the pastoral care system, preventative education curriculum, child protection, pupil behaviour, staff code of conduct, health and wellbeing of staff and pupils, physical safety and security.

Boards of Governors have a responsibility to take an active interest in and to regularly review, all aspects of their schools' activities that promote pupil welfare.

Pastoral Care and School Ethos

13.9. The quality of pastoral care influences the whole-school ethos. It is of crucial importance in creating an atmosphere in which all young people feel secure, know they are valued as individuals and encouraged in their learning, growth and social development in a healthy and safe environment. While Boards of Governors, principals and members of senior management have primary responsibility for the care and welfare of pupils, all school staff, have a responsibility for pastoral care and welfare. The management arrangements within schools should enable all staff to contribute effectively to establishing and maintaining a climate which is characterised by good relations and mutual respect inside and outside the classroom.

Pastoral Care Provision

13.10. Pastoral care provision will differ from school to school. The actual provision will include the way in which pupils are equipped to cope with personal challenges through the curriculum on offer, the systems for monitoring of pupils' academic progress and wellbeing and the range of support available within the school to pupils experiencing difficulties.

Curriculum

13.11. The curriculum, offered by all schools, will equip young people to deal with the challenges they face in life. It includes Personal Development & Mutual Understanding at primary level and Learning for Life and Work at post-primary level. Both provide opportunities to develop resilience, promote positive mental and emotional health among young people. Throughout their schooling, children and young people have to deal with a wide range of personal and social issues that affect them, such as relationships, working with others, sexual orientation and behaviour, gender identity, drugs, smoking, alcohol and other health-related issues. To do so effectively, requires them to have opportunities provided through the curriculum to discuss and explore such issues, so that they are able to make good choices and decisions.

13.12. Schools are free to supplement this part of the curriculum they offer by either, using resource materials prepared by agencies or organisations external to the school or by using individuals or staff from these agencies or organisations to take lessons or learning programmes. This is normally done where a specialist expertise, for example medical knowledge, is helpful in dealing with a particular issue or where an agency has a relevant expertise through its normal business.

Support for Vulnerable Pupils

13.13. A pupil may, at any time, experience difficulties in their personal and social circumstances which impair their ability to learn. Schools' staff should be alert to the signs of distress and equipped to respond appropriately. The pastoral care system will include the support which a school offers pupils at vulnerable times, such as mentoring, or counselling provided either by school staff or external experts.

13.14. The Education Authority's pupil support services are available to all schools.

Post-primary aged pupils also have access to the Independent Counselling Service for Schools (ICSS). This service is funded by the EA and is available to all grant aided post-primary schools or special schools with post-primary aged pupils. In the event of a critical incident primary schools can also access the ICSS service.

The ‘Children and Young People’s Emotional Health and Wellbeing in Education Framework’

13.15. In February 2021, the Department, together with the Department of Health published the ‘Children and Young People’s Emotional Health and Wellbeing in Education Framework’ (The Framework) which aims to:

- Ensure children and young people are empowered and assisted to understand and take care/manage their emotional health and wellbeing.
- Identify needs early and address effectively when required.
- Establish an integrated model that supports an early help, support and intervention focus.
- Reduce the numbers of children and young people requiring specialist intervention from Mental Health Services

The Framework has been written for those working with children and young people in education settings to assist them in not only recognising the emotional health and wellbeing needs in their pupils but also in themselves and to avail of the appropriate support. The implementation plan therefore covers interventions for both children and young people and staff. The Department has also engaged the Strategic Investment Board to design a monitoring and evaluation plan to facilitate delivery of the aims of this initiative.

Programmes currently in operation

- **Text A Nurse** service - a secure and confidential text messaging service for young people aged 11-19 providing access to a school nurse.
- **REACH** – ‘Resilience in Education, Assisting Change to Happen’ programme for 6–19-year-olds to develop positive emotional health, increase their readiness for learning and build their resilience.
- **Healthy Happy Minds Therapeutic and Counselling Services pilot** – providing therapeutic and counselling support for primary school pupils.
- **Wellbeing Hub** bringing together and updating existing curriculum linked resources and support for both teachers and pupils.
- **Optimising Achievement/School Staff Wellbeing** programmes supporting school leaders and staff to prioritise their own wellbeing and create a positive school wellbeing culture.
- **The Attach Programme** – focusing on the impact of trauma on children looked after by providing support to education, health & social care staff and the voluntary sector who in turn support the child, their family and carers.

- An **extended school nursing pilot based on the “Abbey Pilot”** (at Abbey Community College) to one post primary school in each Health Trust with a school nurse located in the school to identify the physical and emotional health needs of pupils and develop innovative ways to meet these.

Additional programmes for 2022/23 include:

- Expansion of the **RISE NI** programme to Key Stage 2, a multi-professional early intervention team. Support provided includes that for speech, language and communication needs; sensory, motor or perceptual difficulties and for underlying emotional health and wellbeing needs.
- **Emotional Health and Wellbeing Teams in School** programme which aims to strengthen existing provision at post primary to support schools in promoting their emotional health and wellbeing, build individual and collective resilience and most critically provide access to interventions at the earliest opportunity including a range of mental health awareness training and a suite of resources.
- **Being Well Doing Well Programme**, which aims to provide a framework for schools to assess current practice and develop a whole school approach to pupil wellbeing through a programme of training and capacity building.

The Framework and implementation plan can be accessed via the links below:

[The ‘Children and Young People’s Emotional Health and Wellbeing in Education Framework](#)

[Children & Young People's Emotional Health and Wellbeing in Education Framework Implementation Plan - February 2021](#)

Derrytrasna Pastoral Care Award

13.16. In 2014 a new annual pastoral care award was created by the Department in collaboration with the Public Health Agency (PHA), the ‘Derrytrasna Pastoral Care Award’, and is named after the school that inspired the award, St Mary’s Primary School, Derrytrasna. The award seeks to recognise those school communities that have demonstrated exceptional co-operative effort in supporting the pastoral care of pupils and their families.

The online nomination form can be found at:

[Derrytrasna Pastoral Care Award](#)

Examples of standard or ‘normal’ expectations of school pastoral care for this award include:

- the school demonstrates its concern for the personal and social development of all its pupils, regardless of age or ability, as individuals and as secure, successful and fully participating members of the school and its wider community
- in post-primary schools, the school’s pastoral care is also concerned with preparing pupils for the demands and challenges of adult and working life

- the school's pastoral care arrangements protect the pupils from harm, safeguard their health and welfare and support their learning and development
- pupil welfare embraces all aspects of school life through the pastoral care system, child protection, pupil behaviour, health and wellbeing, physical safety and security
- pupils are equipped to cope with personal challenges through the curriculum on offer, the systems for monitoring of pupils' academic progress and wellbeing and the range of support available within the school to pupils experiencing difficulties • the pastoral care system includes the support which a school offers pupils at vulnerable times, such as mentoring, or counselling provided either by school staff or external experts

Children Looked After

13.17. The Departments of Health and Education have jointly developed a Strategy for Children Looked After Entitled 'A Life Deserved: "Caring" for Children and Young People in Northern Ireland'. The Strategy, brought forward in the context of the recently published Children and Young People's Strategy, sets out the strategic framework for improving the lives and outcomes of these children to align with their peers.

13.18. A new Children Looked After Service (Primary) has been established within the Education Authority, based on a trauma and attachment model to assist educators in understanding how these children's early life experiences has impacted on them and what can be done to support them in education. This new model has been purposely designed to support the team around the child to in turn support the child.

Child Protection

13.19. The current main guidance for schools is set out in the document attached to the Department's Circular 2017/04 Safeguarding and Child Protection in Schools – A Guide for Schools.

[Circular 2017/04 - Safeguarding and Child Protection in Schools - A Guide for Schools](#)

Statutory Duty of Boards of Governors

13.20. The Board of Governors has a statutory duty, under Article 18 of the Education and Libraries (NI) Order 2003, to decide on the measures to be taken by all persons associated with the school (whether by the Board of Governors, the school staff or other persons) to protect pupils from abuse, whether at school or elsewhere, and to review these measures from time to time or as directed by DE. The 2003 Order places a further obligation on the board of governors to prepare a written statement of such measures (the child protection policy) and to secure that copies of the statement must be made available free to parents of registered pupils and available for inspection at the school.

13.21. Further, when drawing up these measures the Board of Governors must have regard to any relevant guidance. Relevant guidance is normally either prepared by DE, DHSSPS or issued with the Department's endorsement. Furthermore, schools are recommended in the DE Circular 2017/04 Guide for Schools (Para 4.2) to use a safeguarding proforma entitled 'Guidance for the evaluation of child protection/safeguarding'

designed by the ETI to assist governors and schools to review their arrangements at least on an annual basis. The proforma is available at [Safeguarding](#)

13.22. The Schedule for Regulation 4 of The Education (School Development Plans) Regulations (NI) 2010 requires schools to monitor and review annually (Regulation 7) the progress made in the school's approach to:

- promoting the health and wellbeing, attendance, good behaviour and discipline of pupils and
- managing the attendance and promoting the health and wellbeing of staff.

Designated Governor for Child Protection

13.23. The Board of Governors, as a matter of good practice, should delegate lead responsibility for safeguarding and child protection to a specific member of the governing body. This Designated Governor, after appropriate training from the EA Child Protection Support Service for Schools, will be able to advise the governors on issues such as:

- the role of designated teachers
- the content of child protection policies
- the content of a code of conduct for adults within the school
- the arrangements for recruitment, selection and vetting of staff
- child protection training for school staff
- safeguarding initiatives

13.24. It is also recommended, as a matter of good practice, that the Parent or Teacher Governor do not act as the Designated Governor for Child Protection. There is the potential for a conflict of interest, when the Board of Governors is required to deal with specific allegations of child abuse involving members of staff and/or pupils and this could impede the Designated Governor in discharging an appropriate challenge function.

Child Protection Arrangements – Key Elements

13.25. The school should have a trained Designated Teacher (DT) with specific responsibility for child protection matters. There should also be a second named trained teacher (Deputy Designated Teacher) to support the DT and assume the responsibilities in case of absence. The names of both teachers should be known to all pupils, teaching staff, parents and members of the Board of Governors.

13.26. There should be a statement about the standards of behaviour expected of staff in their interactions with pupils. The statement should be tailored to suit the age and ability of the pupils in the school and address the specific issues which will arise, for example, in a nursery school, issues around toileting and changing children's clothes or in post-primary schools' issues around relationships outside of school with pupils. The code should also deal with situational issues which can arise, such as interviews with individual pupils and giving pupils a lift home after school events.

13.27. There should be clear procedures to be followed where there are concerns that a child is being abused, whether the concerns come by way of a disclosure from the child, observed behaviours by members of staff, or a report from a parent or another

member of the public. The procedure to be followed should include the role of the Designated Teacher (or Deputy) as the source of advice and person who will act on concerns, how referrals will be made to the investigating agencies, the involvement of parents and record keeping arrangements.

13.28. There should be clear procedures to be followed where an allegation of child abuse is made against a member of staff. The procedure to be followed will depend on whether the complaint is about the Principal, the Designated Teacher or another member of staff - see [DE Circular 2015/13](#) for further information.

13.29. The school should maintain a **confidential** Record of Child Abuse Complaints made against members of staff. The record should be reviewed by the Board of Governors at least annually and available on request to the Education and Training Inspectors during inspections. The Board of Governors should request a report on all aspects of Child Protection within the school at least annually.

13.30. The school should acknowledge in any statement about child protection, the part that the curriculum will play in promoting the keeping safe agenda with all its pupils. Pupils should understand the child protection arrangements and information should be displayed in the school about how they can raise a concern or complaint.

13.31. The Chairperson of the Board of Governors shares responsibility with the Principal to ensure that:

- Governors are vetted in line with the Department's requirements
- a sufficient number of Governors are suitably trained in child protection matters, to serve on staff recruitment and selection interview panels
- the child protection elements of the process of recruiting selecting teaching and non-teaching staff are strictly adhered to
- staff who work in schools, including members of a work force employed by a firm working in the school, are properly pre-employment checked and vetted to ensure that the confidence of parents and the public, in their arrangements to protect children, is sustained
- all reasonable steps are taken to guard against employing people who might harm children or put them at risk

Child Protection Support Service (CPSS)

13.32. The CPSS was established to address the needs of schools' staff for ready access from day to day, to expert advice on issues around child protection, support in dealing with specific cases and for relevant training. The service now includes youth service within its remit.

13.33. The CPSS has dedicated staff and operates a telephone helpline service for schools' staff during normal school hours, on all days that schools are open.

13.34. The CPSS provides training tailored to the roles and responsibilities of staff with child protection responsibilities in a school setting – Designated Teachers and their deputies, Principals and members of the Board of Governors. Every year CPSS

conducts an audit with schools about their training needs, which covers new appointments and those who have been in position for more than 3 years and who require refresher training.

Health, Wellbeing and Keeping Safe

13.35. Every inspection carried out in a school includes an assessment of the pastoral care and welfare and child protection/safeguarding arrangements. The ETI will evaluate the arrangements for safeguarding as reflects the guidance, reflects broadly the guidance of the Department of Education, or as unsatisfactory. Where an unsatisfactory evaluation is made, the Department will expect prompt action to rectify any deficiencies and the ETI will make a follow-up visit in six weeks to ensure that the issues identified have been resolved promptly. The arrangements for care and welfare will be evaluated holistically, taking into account the teaching and learning, the outcomes and the leadership and management, either as impacting positively on the learning of the pupils or as not impacting positively enough.

Health Promotion in Schools/Healthy Schools

13.36. Schools have a vital role to play in health promotion and are in a position to contribute positively to the growth and development of healthy children and young people. They can do this by promoting healthy eating, physical activity, personal development and emotional health and wellbeing, for example through:

- Becoming a 'healthy school' – information on Public Health Agency website www.publichealth.hscni.net
- a robust and comprehensive health education policy
- elements of the curriculum such as physical education (DE recommends a minimum of 2 hours of PE per week), the taught pastoral care programme; the personal development strand of the curriculum; science education and home economics
- extra-curricular activities for example breakfast clubs, after school sporting activities, cookery, drugs and alcohol awareness, smoking cessation classes etc.
- the provision of only healthy foods and drinks in the school, in compliance with the Department's compulsory Nutritional Standards for School Lunches and Other Food and Drinks in Schools (Annex to the Arrangements for the Provision of Milk, Meals and Related Facilities) <https://www.educationni.gov.uk/publications/milk-and-meals-arrangements-education-authorityvoluntary-grammar-and-grant-maintained>
- compliance with the DE and DHSSPS Food in Schools policy -Healthy Food For Healthy Outcomes September 2013 issued under cover of circular 2013/21. <https://www.education-ni.gov.uk/publications/healthy-food-healthyoutcomes>
- school assemblies
- where appropriate, engaging with external organisations to support the delivery of the curriculum
- health-based sponsored activities

- participation in health-related campaigns
- anti-bullying measures
- the school health service (for example school nurses)
- the Education Welfare Service

Boards of Governors, in all grant-aided schools, are required to ensure that the promotion of the health and wellbeing of staff and pupils is included in their School Development Plan.

Health Campaigns in Schools

13.37. Boards of Governors are advised to cooperate with the Health Service, when it engages in campaigns to tackle a serious health-related issue affecting school-aged children. Mass campaigns of, for example, child vaccination is probably most efficiently and effectively undertaken in schools where the children are in significant numbers.

Pupils with Medical Needs

13.38. Pupils with medical needs have the same rights of admission to a school or setting as any other pupils. Schools must not discriminate against disabled pupils in relation to their access to education and associated activities, such as school trips, residential and attendance at clubs. Most pupils will, at some time, have short-term medical needs for example finishing a course of antibiotics, while some pupils will have longer-term medical needs and may require medicines on a longer-term basis to keep them well for example pupils with well-controlled epilepsy or cystic fibrosis. Other pupils may require medicines in particular circumstances for example pupils with severe allergies who may need an adrenaline injection or those with severe asthma who need daily inhalers and additional doses during an attack.

13.39. Most pupils with medical needs can attend school and take part in normal activities, sometimes with some support. Staff, however, may need to take extra care in supervising such activities to ensure that pupils are not put at risk.

13.40. There is no legal duty that requires school staff to administer medicines. It is important, however, that the staff members who take responsibility for administering medicines are appropriately trained and have support from health professionals. In dealing with this issue, the Board of Governors should ensure that:

- they take cognisance of the DE guidance entitled 'Supporting Pupils with Medication Needs'
- there is a clear policy on the management of medicines in its school
- proper account is taken of the views of the Principal, staff and parents and of any guidance provided by DE and the Education Welfare Service of the EA in developing this policy. In line with Article 12 of the UN Convention on the Rights of the Child, a child (who is capable of forming their own views) should have the right to freely express their views and due weight given to those views, in accordance with the age and maturity of the child
- there are robust systems in place to ensure that medicines are managed safely
- there is an assessment of the risks to the health and safety of the staff and others

- measures are put in place to manage any identified risks

The Misuse of Drugs

13.41. The role of schools in relation to drugs is twofold: prevention (through the school's taught drugs education programmes) and protection (through the school's drugs education policy).

13.42. Boards of Governors should be aware that all grant-aided schools have a statutory duty to:

- have a drugs education policy in place
- publicise the drugs education policy in their prospectus
- inform the police where they believe or suspect a pupil to be in possession of a 'controlled drug' – if in any doubt about the nature of the substance, the police should be informed

[DE Circular 2015/23: Drugs Guidance](#) provides further advice. As the misuse of drugs is not confined to illegal drugs, the advice contained in the circular is applicable to the misuse of alcohol, tobacco, volatile substances, over the counter and prescribed medication and performance-enhancing drugs in sport.

Relationships and Sexuality

13.43. Boards of Governors should ensure that their schools have a Relationships and Sexual Education policy and curriculum linked to their pastoral care/child protection policy. This policy and the associated teaching should be the subject of consultation with staff and parents and be endorsed by the Governors. [DE Circular 2015/22: Relationship and Sexuality Education \(RSE\)](#) provides further advice. Also see web links under the **Guidance** section below. Schools are required to have due regard to the Guidance in respect of the changes made to the Learning for Life and Work curriculum at key stages 3 and 4 issued by the Department on 1 January 2024. This guidance should be reflected in a revised policy.

The Law

Primary Legislation

Education and Libraries (NI) Order 1986 – Articles 58 and 59

Education and Libraries (NI) Order 2003 – Article 17 (*Duty to safeguard and promote the welfare of pupils*)

Education (NI) Order 2003 – Article 18 (*Child protection measures*)

Education (NI) Order 2006 (*see inter alia Articles 5(1A) and 10A*)

Subordinate Legislation

Education (School Development Plans) Regulations (NI) 2005 SR No. 303 (*Regulation*

3 Schedule, paragraph 3(a)(ix)) (shall continue to apply to school development plans prepared or last revised before 1 August 2010)

The Education (School Development Plans) Regulations (NI) 2010 (*came into operation on 24 January 2011*)

The Relationships and Sexuality (Amendment) (Northern Ireland) Regulations 2023 (*Amend the Education (Northern Ireland) Order 2006 and the Education (Curriculum Minimum Content) Order (Northern Ireland) 2007 in respect of Learning for Life and Work at key stages 3 and 4.*)

The Curriculum Circumstances in which a Pupil may be Excused from Sexual and Reproductive Health and Rights Education Regulations Northern Ireland) 2023 (*which set out the circumstances in which a pupil may be excused from age-appropriate, comprehensive and scientifically accurate education on sexual and reproductive health and rights or specified elements of that education which relate to prevention of pregnancy and access to abortion.*)

Guidance

CPSS School Governors Handbook on Child Protection – [Child Protection Support Service - School Governors Handbook](#)

DE Circular 2017/04 Safeguarding and Child Protection in Schools – A Guide for Schools

[Circular 2017/04 - Safeguarding and Child Protection in Schools - A Guide for Schools](#)

DE Circular 2015/22: Relationships and Sexuality Education

<https://www.education-ni.gov.uk/publications/circular-201522-relationship-and-sexualityeducation>

Also see guidance of Equality Commission at

[www.equalityni.org/SOEducationguide1\(1\).pdf](http://www.equalityni.org/SOEducationguide1(1).pdf)

http://ccea.org.uk/curriculum/rse_primary for primary schools

http://ccea.org.uk/curriculum/rse_post_primary for post-primary schools, which includes the responsibilities of school governors

DE Circular 2015/23: Drugs Guidance

<https://www.educationni.gov.uk/publications/circular-201523-drugs-guidance>

DE Circulars 2006/06: Child Protection Recruitment of People to work with children and young people in educational settings

<https://www.education-ni.gov.uk/publications/circular-200606-recruitment-people-workchildren-and-young-people-educational-settings>

DE Circular 2006/07: Child Protection Employment of Substitute Teachers

<https://www.education-ni.gov.uk/publications/circular-200607-child-protectionemployment-substitute-teachers>

DE Circular 2006/08: Child Protection: Training Requirement for School Governors on Staff Recruitment and Selection Panels

<https://www.education-ni.gov.uk/publications/circular-200608-child-protection-trainingrequirement-school-governors-staff>

DE Circulars 2006/09: Child Protection: Criminal background checking of staff in schools - Programme to extend coverage

<https://www.education-ni.gov.uk/publications/200609-criminal-background-checkingstaff-schools>

DE Circular 2006/25: Child Protection: Vetting of School Governors

<https://www.education-ni.gov.uk/publications/circular-200625-vetting-school-governors>

DE Circular 2010/22 School Development Planning – Regulations and Guidance

<https://www.education-ni.gov.uk/publications/circular-201022-school-developmentplanning-regulations-and-guidance>

DE Circular 2015/13: Dealing with Allegations of Abuse against a Member of Staff

<https://www.education-ni.gov.uk/publications/circular-201513-dealing-allegationsabuse-against-member-staff>

DE Circular 2020/07 Child Protection: Record Keeping in Schools

[Circular 2020/07 - Child Protection: Record Keeping in Schools](#)

DE/DHSSPS 2008: Supporting Pupils with Medication Needs

<https://www.education-ni.gov.uk/articles/support-pupils-medication-needs>

Nutritional standards for school lunches: a guide for implementation

www.publichealth.hscni.net/publications/nutritional-standards-school-lunches-guideimplementation

Nutritional standards for other food and drinks in schools: a guide for implementation

www.publichealth.hscni.net/publications/nutritional-standards-other-food-and-drinksschools-guide-implementation

School food: the essential guide

www.publichealth.hscni.net/publications/school-food-essential-guide-and-irishtranslation

DE Circular 2013/21 Healthy Food For Healthy Outcomes – Food in Schools Policy

<https://www.education-ni.gov.uk/publications/healthy-food-healthy-outcomes-foodschools-policy-0>

DE and DHSSPS Food in Schools policy - Healthy Food for Healthy Outcomes
September 2013

<https://www.education-ni.gov.uk/publications/healthy-food-healthy-outcomes>

Further information on Pupil/Child Protection and Safeguarding can be found by contacting the Pupil Support Team in the Department of Education. They can be contacted via psu.mail@education-ni.gov.uk

14. Pupil Behaviour and Discipline

This chapter explains the responsibilities of the Board of Governors and the Principal in relation to pupil behaviour and discipline and the procedures for pupil suspensions and expulsions.

The Role of the Board of Governors

The role of the Board of Governors is to promote positive behaviour among pupils attending the school in order to safeguard their welfare and facilitate their educational progress at school. The Board of Governors should:

- ensure that the school has policies about the promotion of good behaviour and discipline and the use of reasonable force with staff kept up to date with the guidance and any appropriate training in positive behaviour and de-escalation techniques to avoid crisis situations occurring
- have a written statement of 'general principles' about pupil behaviour and discipline, which is reviewed regularly with input from pupils and parents
- ensure that the school has appropriate procedures for dealing with the issue of bullying and about complaints about bullying
- ensure that the school has a scheme operating in the school for the suspension and expulsion of pupils in accordance with legal requirements, including those linked to pupils with Special Educational Needs and equality of treatment
- ensure that a scheme operates in the school

14.1. Promoting positive behaviour in the school is central to; creating a climate which fosters effective learning; ensuring the safety and well-being of pupils when they are at school and promoting safe travel to and from school. It is essential, therefore that Boards of Governors are clear about their responsibilities in this area.

The Statutory Framework

14.2. The Board of Governors has a legal duty to safeguard and promote the welfare of registered pupils at the school when the pupils are on school premises or in the lawful control or charge of a member of school staff.

14.3. The outworking's of the Entitlement Framework may mean that some schools will have pupils attending from other schools. The Board of Governors must safeguard and promote the welfare of all pupils attending its school, whether registered or not, when they are on the premises of the school or in the lawful control or charge of a member of school.

14.4. The Board of Governors and the Principal are also responsible for ensuring that the school has behaviour policies which promote positive behaviour among registered pupils and that these should cover all pupils attending the school, whether registered or not.

14.5. The Board of Governors must make, and keep under review, a written statement of 'general principles' about positive pupil behaviour, which the Principal will have regard to in determining school rules and behaviour policies. All principles and guidance must be child centred and in line with Northern Ireland's commitment to the United Nations Convention for the Rights of the Child (UNCRC). Before making or when reviewing its statement, the Board of Governors must consult the Principal, the registered pupils at the school and their parents and ensure there is a parent friendly version of the statement and any related school policies. It must also consider any guidance given by the Department of Education (DE) and the Education Authority (EA).

14.6. The Board of Governors must also decide, and set out, what aspects of behaviour should be a matter for the Principal and give the Principal any guidance on the aspects which it decides is appropriate.

14.7. The Principal is responsible for determining measures which the school will take to:

- promote self-discipline and proper regard for authority among pupils
- encourage good behaviour, respect for others and prevent all forms of bullying among pupils
- secure an acceptable standard of pupil behaviour
- regulate the conduct of pupils

In doing so, the Principal should act in accordance all legal requirements and in particular Northern Ireland's commitment to UNCRC as well as with the Board of Governors' statement of general principles and any other guidance provided. A written statement of the measures must be given, free of charge, to the parents of all registered pupils at the school and made available for inspection, at all reasonable times and free of charge, at the school.

Detention of Pupils Outside School Hours

14.8. Schools may, when positive behaviour requirements haven't been met, require a registered pupil, who has not attained the age of 18, to spend a period of time in detention at the end of a school session. Consent is not required from the pupil's parents as long as:

- the Principal has generally made known within the school, informed all pupils and their parents that detention is one of the measures for regulating pupil conduct
- the detention is imposed by the Principal or by another teacher in the school authorised by the Principal
- the detention is reasonable in all the circumstances
- the parents have been given at least 24 hours' notice in writing, that the detention is due to take place

14.9. In deciding whether a detention is reasonable, the following should be taken into account:

- whether the detention constitutes a proportionate punishment in the circumstances

- any relevant special circumstances such as the pupil's age, any special educational needs the pupil may have, any religious requirements affecting the pupil and where arrangements have to be made for the pupil to travel home, whether suitable alternative travel arrangements can reasonably be made by the parents

14.10. Pupils over the age of 18 cannot be placed in detention.

The Use of Reasonable Force to Restrain or Control Pupils

14.11. All schools have a pastoral responsibility towards their pupils and should take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety and emotional health and well-being is preserved. The need to use reasonable force to restrain a pupil should be rare and, only be used as a measure of last resort, such as when a pupil's behaviour threatens the safety of other pupils or staff, and all other methods of de-escalation have been exhausted. De-escalation techniques and positive approaches to behaviour, understanding reasons for behaviour and taking steps to work with pupils to address these should be used as part of schools' normal day to day provision to ensure crisis situations requiring the use of reasonable force are rare. Any instances of the use of reasonable force should be recorded by the relevant staff on the appropriate form, and the incident reviewed with any follow-up support for pupils or staff provided.

14.12. These conditions, for use of reasonable force, apply where a member of staff is on school premises or elsewhere, or has lawful control or charge of the pupil concerned. However, it is emphasised that corporal punishment remains unlawful, and staff must not use any degree of physical contact which is deliberately intended to cause pain, injury or humiliation as a form of punishment to any behaviours.

14.13. The Board of Governors, in consultation with the Principal, should:

- ensure that the school has a clear written policy about the use of reasonable force
- include a statement in its positive behaviour policy, setting out the policy and guidelines on the use of reasonable force
- discuss these with staff who may have to apply them
- issue or make them known to parents and pupils
- have regard to all legal requirements and Northern Ireland's commitment to UNCRC
- have regard to any advice issued by DE and the EA and, in the case of a Catholic maintained school, the CCMS

The overarching principle is that the best interests of the child should guide all decisions taken by staff in relation to children in their care.

The [DE Circular 2021/13](#), [DE Circular 1999/9](#) and the [DE 2005 publication 'Towards a Model Policy in Schools on the Use of Reasonable Force'](#) provide more detailed guidance for Boards of Governors and for schools. **Bullying**

14.14. The issue of bullying is addressed in Safeguarding and Child Protection in Schools – A Guide for Schools -

It is a contravention of pupils' rights not to protect them from all forms of physical and mental violence. It also infringes their right to education and to freedom from torture and inhuman treatment under the Human Rights Act 1998.

14.15. Thus, the Board of Governors has a responsibility to be actively involved in encouraging and supporting their school as they endeavour to:

- recognise bullying
- develop an anti-bullying culture consistent with their positive ethos, pastoral care policy and whole-school policy on good behaviour
- develop a specific whole school approach to tackling bullying which is owned by all staff, pupils and parents

14.16. Research published by the Department in October 2011 revealed that 36% of primary school children and 29% of post-primary perceive that they have been bullied at least once. Boards of Governors should be aware that no school is exempt from bullying behaviour. Bullying in any shape or form, and no matter how minor it might be perceived to be, can be profoundly damaging personally, socially and educationally, to the children experiencing it. When a pupil is bullied at school, parents will normally seek support and expect that the school will take firm and effective action to eliminate the problem. While parents' expectations may not always be realistic, they should have their concerns dealt with in a respective manner.

14.17. Parents may raise a complaint with the Board of Governors about the way bullying or a specific incident has been handled within the school. The Department expects that Boards of Governors will treat any such complaint seriously and swiftly determine if there is an issue and take appropriate action, including advising the parents of the position. The Department acknowledges that some complaints may be unfounded, but it is crucial that parents' concerns are addressed.

Cyber-bullying and harassment

14.18. Cyber-bullying (online social aggression) is the use of electronic information and communication devices, such as email, instant messaging, text messages, mobile phones, pagers and defamatory web sites, to bully or otherwise harass an individual or group through personal attacks or other means.

14.19. Boards of Governors should be aware that young people have fully embraced the Internet and other technologies (for example mobile phone) as both an environment and a tool for socialising. They send emails, create their own web sites, post intimate personal news in blogs (i.e., online interactive diaries), send text messages and images using mobile phones, chat in chat rooms, post discussion boards and seek out new friends in social networking sites. Unfortunately, these technologies are used by some children and young people to post cruel text messages or images, to bully their peers and engage in other aggressive online behaviour; sometimes material is posted online that suggests those posting it are considering violence towards others or themselves.

14.20. Such bullying and harassment can be done anonymously with a pay phone or from an Internet Café. Staff may also be subjected to cyber bullying by pupils. Unacceptable and threatening photographs and videos can be used. Ownership of a mobile phone may also be a cause for bullying, resulting in theft. The Board of Governors should encourage the Principal to work cooperatively with the staff, pupils and parents to prevent such behaviour and to devise approaches to dealing with it whenever it occurs.

14.21. Pupils should be aware of:

- how to protect themselves from mobile phone theft
- procedures for the IMEI (International Mobile Equipment Identity) number, hence disabling the phone if it is lost or stolen
- rules about the possession and use of mobile phones within the school
- how to react when threatened whether through a mobile phone, email, chat room or instant messenger services

Further information is available in DE Circular 2007/01 Acceptable use of the Internet in Schools <https://www.education-ni.gov.uk/publications/circular-200701-acceptable-useinternet-schools> and DE Circular 2016/27 Online Safety <https://www.educationni.gov.uk/publications/circular-201627-online-safety>

The Safer Schools App, provided for schools' use by the Department, in partnership with iNEQE Safeguarding Group, provides essential safeguarding information including on online safety which will be of interest. More information on the app can be found at www.saferschoolsni.co.uk.

Suspension and Expulsion

14.22. In the most serious cases of pupil indiscipline, the school may have to consider suspension or expulsion, after other methods of improving a pupil's behaviour have been unsuccessful. The DE publication in 2001 'Pastoral Care in Schools: Promoting Positive Behaviour' contains guidance on the appropriate use of suspension and expulsion.

14.23. The procedures to be followed, in relation to the suspension and expulsion of pupils from controlled schools, are set out in a scheme prepared by the EA. The procedures to be followed, in relation to the suspension and expulsion of pupils from a Catholic maintained schools are set out in a scheme prepared by the Council for Catholic Maintained Schools (CCMS). For all other grant-aided schools, the Board of Governors is legally responsible for preparing a scheme for the suspension and expulsion of pupils from the school.

Each scheme must include the following provisions:

- a pupil may be suspended from the school only by the Principal
- an initial period of suspension shall not exceed 5 school days in any one school term

- a pupil may be suspended from school for not more than 45 school days in any one school year
- where a pupil has been suspended from school, the Principal shall immediately
 - i. give written notification of the reasons for and the period of suspension to the parent of the pupil, to the EA and the chairperson of the Board of Governors and in the case of a pupil suspended from a Catholic maintained school to CCMS (guidance for schools on notifying the EA about the suspension of a pupil and the template to be used is provided under DE circular 2015/19); and
 - ii. invite the parent of the pupil to visit the school to discuss the suspension
- the Principal shall not extend a period of suspension without the prior approval of the chairperson of the Board of Governors and shall, in every such case, give written notification of the reasons for the extension and the period of extension to the parent of the pupil and to the EA and in the case of a pupil suspended from a Catholic maintained school to CCMS
- it is the duty of the Board of Governors of a grant-aided school to make arrangements for the provision of suitable education to a registered pupil of the school at any time when the pupil is suspended from the school. Suitable education in relation to a pupil, means efficient education suitable to the pupils' age, ability, aptitude and to any special educational needs they may have
- in such circumstances as the Department may determine, the EA may make arrangements to assist the BoG of a grant-aided school in providing suitable education for a suspended pupil
- a pupil may be expelled from a school only after serving a period of suspension
- a pupil may be expelled from a school only after consultation about their expulsion including a discussion around future provision of suitable education has taken place between the Principal, the parent of the pupil, the Chief Executive of the EA or another duly authorised EA Officer, the Chairperson of the Board of Governors and in the case of a Catholic maintained school the Director of CCMS or other duly authorised CCMS officer. Any neglect or refusal on the part of the parent to take part in such consultations shall not prevent a pupil being expelled from the school.
- a pupil may be expelled only by the expelling authority. The expelling authority is the EA for controlled schools and the Board of Governors for all other grant-aided schools
- where a pupil is expelled from the school, the principal shall immediately give written notification to the parent of that pupil of their right to appeal the decision to expel the pupil, of the time limit set by the EA for lodging the appeal and of where the appeal may be lodged

14.24. It is important that the Board of Governors and the Principal follow closely the procedures provided in the scheme which reflects statutory requirements. This includes the statutory duty to comply with the Special Education and Disability (Northern Ireland) Order 2005. In this context for pupils identified with special educational needs their identified disability or special needs should not be the underlying reason for a suspension or expulsion, without the school having justification to do so. It is also important to note that disability is defined as a physical or mental impairment which has a substantial and long-term adverse effect on his or her ability to carry out normal day-to-day activities.

14.25. The EA is required to make arrangements for the parent of a pupil or the pupil if they are aged 18, to appeal against any decision of the expelling authority to expel the pupil from the school. The Board of Governors is legally bound to comply with any direction given by an expulsion appeals tribunal.

The Role of the Principal in Disciplinary Matters

14.26. The Board of Governors should be familiar with the school's discipline policy and procedures. However, the Principal is in charge of its day-to-day management and has responsibility for ensuring that all staff members are familiar with the school's policy and that agreed discipline practices are applied consistently. The Principal's role is clearly set out in legislation and in the school's Scheme of Management. The Board of Governors may require the Principal to provide oral and written reports in matters relating to discipline. The Principal should co-operate with the Board of Governors in all matters relating to school discipline, including bullying, suspension (and the continuing education of suspended pupils) and expulsion (including appeals by parents against such measures).

14.27. Monitoring of pupils' behaviour and the effectiveness of the current policy on good behaviour and measures to deal with bullying, together with information about suspensions, expulsions and parents' complaints are often best dealt with by a committee of the Board of Governors.

14.28. It may be helpful to note that data relating to suspensions and expulsions is collected and published each year on the Department's website. The Board of Governors may wish to keep abreast of the position in their school on the number of suspensions, in particular multiple suspensions and expulsions, including the reasons for them.

Education otherwise than at school (EOTAS)

14.29. Under Article 86 (1) of the Education (NI) Order 1998, the Education Authority (EA) has a duty to *"make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, expulsion or suspension from school or otherwise, may not for a period receive suitable education unless such arrangements are made for them"* This provision includes many different support services which are collectively known as "Education Otherwise Than At School" (EOTAS).

Departmental Guidance

14.30. In September 2014, the Department issued guidance and advice for Principals and Boards of Governors in relation to EOTAS. This guidance clarified the legal framework and minimum requirements it expects the EA to apply to EOTAS provision. It also highlighted that only the EA can determine that a pupil requires an EOTAS placement **Schools, EOTAS providers or the parents/guardians of a pupil may not bypass the EA's referral and decision-making process.**

Where a pupil is placed in EOTAS but has not previously been expelled, they must remain on the school's register and should be treated as dual registered between the school and EOTAS centre, for all recording purposes.

Role of Schools – Educational

14.31. Schools are expected to maintain regular contact with pupils in EOTAS, to ensure their pastoral and academic needs are being met and are expected to contribute to the learning opportunities a registered pupil receives within EOTAS. Where the pupil's physical attendance cannot be facilitated, the school must consider e-learning opportunities or alternative arrangements which it can make.

Role of Schools – Monitoring and Reporting

14.32. EOTAS centres will provide schools with attendance information on their registered pupils. Schools must record this in line with attendance data for all their registered pupils.

14.33. EOTAS centres will provide the school with regular progress reports against the pupil's education plan. A school must formally report this progress to the parents / guardians of the young person, in line with its normal reporting arrangements and timeframes.

14.34. Educational outcomes of registered pupils in EOTAS must be reported by the school at the end of all Key Stages, in line with their reporting on all pupils.

School Funding

14.35. A pro-rata proportion of the Age Weighted Pupil Unit (AWPU) will be recouped from a pupil's school by the EA when a pupil is placed in EOTAS.

14.36. Where a school makes the expected contribution to the pupil's ongoing education the EA will reinstate a percentage of the recovered AWPU.

14.37. Any other additional pupil payments, such as those provided for children of Travellers, Children Looked After and Newcomer Allowances, will follow a child entering EOTAS and the EA will recoup these from the school.

The Law

Primary Legislation

Education and Libraries (NI) Order 1986 – Article 49 (*Suspension and Expulsion of Pupils*)

Education and Libraries (NI) Order 1993 – Article 39 (*Suspension and Expulsion of Pupils*)

Education (NI) Order 1998 – Article 3 (*Responsibility of Board of Governors and principal for discipline*)

Education (NI) Order 1998 – Article 4 (*Power of member of staff to restrain pupils*)

Education (NI) Order 1998 – Article 5 (*Detention of pupil outside school hours*)

Education (NI) Order 1998 – Article 6 (*Duty of EA to prepare a plan relating to children with behavioural difficulties*)

Education (NI) Order 2003 – Article 17 (*Duty on Board of Governors to safeguard and promote the welfare of pupils*)

Education (NI) Order 2003 – Article 19 (*School discipline to prevent bullying*)

Education (NI) Order 1998 – Article 86 (1) and (2) (*responsibility for EOTAS provision*)

Subordinate Legislation

Schools (Suspension and Expulsion of Pupils) Regulations (NI) 1995 SR No. 99

Guidance

CCMS and EA (formerly ELB) Schemes for the Suspension and Expulsion of Pupils

DE Circular 1998/25: Pupil Behaviour & Discipline

<https://www.education-ni.gov.uk/publications/circular-199825-promoting-and-sustaininggood-behaviour-schools>

DE Circular 1999/9: Pastoral Care: Guidance on the Use of Reasonable Force to Restrain or Control Pupils

<https://www.education-ni.gov.uk/publications/circular-199909-use-reasonable-force>

Circular 2021/13 - Interim Guidance on the Use of Restraint and Seclusion in Educational Settings

<https://www.education-ni.gov.uk/publications/circular-202113-interim-guidance-userestraint-and-seclusion-educational-settings>

DE Circular 2017/04 Safeguarding and Child Protection – A Guide for Schools -

<https://www.education-ni.gov.uk/publications/safeguarding-and-child-protectionschools-guide-schools>

DE Circular 2007/01: Acceptable Use of the Internet and digital Technologies in Schools and Management Responsibilities in Schools

<https://www.education-ni.gov.uk/publications/circular-200701-acceptable-use-internetschools>

DE Circular 2011/22 Internet Safety

<https://www.education-ni.gov.uk/publications/circular-201122-internet-safety>

DE Circular 2013/25 eSafety Guidance

<https://www.education-ni.gov.uk/publications/circular-201325-esafety-guidance>

DE Circular 2016/27: Online Safety

<https://www.education-ni.gov.uk/publications/circular-201627-online-safety>

DE Circular 2021/04 - Suspensions and Expulsions Arrangements for pupils in grantaided schools in Northern Ireland

<https://www.education-ni.gov.uk/publications/de-circular-202104-suspensions-andexpulsions-arrangements-pupils-grant-aided-schools>

DE Circular 2015/19: Notification of Pupil Suspension to the Education Authority
<https://www.education-ni.gov.uk/publications/circular-201519-notification-pupilsuspension-education-authority>

DE publication in 2001 Pastoral Care in Schools: Promoting Positive Behaviour
<https://www.education-ni.gov.uk/publications/pastoral-care-schools-promoting-positivebehaviour>

DE publication (2005) Towards a Model Policy in Schools on the Use of Reasonable Force
<https://www.education-ni.gov.uk/publications/towards-model-policy-schools-usereasonable-force>

Equality Commission guidance on sexual orientation and education
[www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Sexual Orientation-Education_Guide.pdf](http://www.equalityni.org/ECNI/media/ECNI/Publications/Delivering%20Equality/Sexual_Orientation-Education_Guide.pdf)

DE Circular 2014/24: Education Otherwise Than At School (EOTAS) – Guidance
<https://www.education-ni.gov.uk/sites/default/files/publications/education/2014-24eotas-guidance.pdf>

Education Otherwise Than At School Guidance
<https://www.education-ni.gov.uk/sites/default/files/publications/de/pdf-format-2014eotas-guidance-document.pdf>

Further information on Pupil Behaviour and Discipline can be found by contacting the Additional Educational Needs Team in the Department of Education. They can be contacted via AdditionalEducationalNeedsTeam@education-ni.gov.uk

Pupil Registration and Attendance

This chapter provides the Board of Governors with information on the legal requirements with regard to the registration and attendance of school pupils. Information about the number of days and hours which schools are required to be open to pupils is contained in Chapter 17.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that the Principal keeps a General Register of the pupils at the school and a Pupil Attendance Register and that appropriate action is taken to encourage good attendance at school.

General Register

15.1. The Board of Governors of a grant-aided school must ensure a General Register is kept with particulars of all the pupils at the school.

15.2. The Principal is normally responsible on a day-to-day basis for ensuring that the register contains a list of the full names of the pupils and the following basic information:

- gender and date of birth
- religious denomination
- ethnicity
- parent(s) name(s) and address
- date of admission or readmission to the school

In the case of a child who has not previously been registered at a school, the parent must provide the Principal with a Registrar's Certificate of Birth or other satisfactory documentary evidence of birth.

15.3. All schools now record and store information about current and past pupils in electronic format. The use of this format allows greater flexibility in the way information about pupils can be presented, for example by whole school in alphabetical order, by class group, by age. In addition to the basic details recorded about pupils on the General Register, the information below is currently required to be recorded:

- classes enrolled in while at school and date of each enrolment,
- daily attendance during each school year
- name and address of previous school, if any
- date of leaving school
- destination as a school leaver, if known
- status i.e., day pupil or boarder in the cases of a school with a boarding department

The Department of Education (DE) may from time to time specify additional information that is required to be recorded. All of the information in the General Register must be kept securely and is subject to the data protection legislation.

15.4. Where a parent indicates their intention to withdraw their child from the school or to place their child in another school, the Principal must provide the parent with a copy of the certificate of attendance at school, [Form SA1](#). If the child is transferring to another school, the Principal of the other school must receive Form SA1 from the parent before the child can be registered. This procedure does not apply in the case of children transferring from primary to post-primary education. Full details can be found in [DE Circular 2023/11](#).

15.5. The Principal can only remove pupils from the school's register in the following circumstances:

- Confirmation that pupil is registered at another school in Northern Ireland
- Departure from Northern Ireland
- Expulsion
- Death
- Leaves school after having completed his/her compulsory education
- Parent/carer advises that child is being removed under Regulation 6(2) • of The Registration and Attendance of Pupils Regulations (NI) 1974 [No.
- 78], for example elective home education.

15.6. For child protection purposes, it is essential that an SA1 form is completed where a parent is opting for elective home education, the original SA1 form must be retained by the school, a copy must be sent to the parents and a final copy submitted to the Education Authority by email to ehe@eani.org.uk

15.7. In all other scenarios where an SA1 form is being completed, the above process must be followed except the final copy should be submitted to SA1Notifications@eani.org.uk

15.8. In situations where parental contact has not been possible or has been unsuccessful, schools should maintain and submit a record of all attempts made along with the completed SA1 form.

15.9. The Department of Education and the Education Authority are aware that schools may not always be completing these forms, despite it being a legal requirement to do so.

15.10. In cases where it has been discovered that forms are not being completed, the Chair of the relevant Board of Governors will be notified as well as a copy of this guidance.

15.11. It is important that a school engages with the Education Authority before removing a pupil from its register.

15.12. Where a parent has indicated that they are considering elective home education, schools must constructively engage in discussion about the implications of making this choice, including the potential impact on examinations options where relevant. Schools should always be cognisant of the legal framework and parental rights.

- 15.13. Parents must be made aware of their legal duty to ensure that their child receives a suitable efficient full-time education. Parents must also be informed that if they choose to de-register their child from school, it may not be possible to re-register them again at the same school.
- 15.14. The Education Authority has guidelines in respect of Elective Home Education and parents who are considering this option must be presented with a copy for their information. Copies can be downloaded from the Education Authority's website via: [Guidelines for Elective Home Education](#)

Attendance Registers

- 15.15. The Board of Governors of a grant-aided school must ensure that a Pupil Attendance Register is kept.
- 15.16. The Principal is normally responsible on a day-to-day basis for ensuring that the attendance of registered pupils is recorded on each school day, in accordance with DE instructions.
- 15.17. Since September 2006, a new standardised system of recording absences has been used in schools, following an update of the attendance module of the Classroom 2000 (C2K) system. It is supported by guidance included in the DE Circular 2023/11 'Attendance Guidance & Absence Recording by Schools' - [2023/24 Academic Year - Attendance Guidance and Absence Recording By Schools.pdf \(education-ni.gov.uk\)](#)
- 15.18. This enables schools to record pupils' absences, the reasons for the absence and whether the absence is authorised or unauthorised. Attendance/absence of pupils is recorded by schools at the beginning of the morning and afternoon registration sessions.
- 15.19. This data was first collected and published by the Department as part of the October 2008 School Census exercise and will now be published annually. In addition, the Department monitors school level attendance data on a monthly basis and system level attendance data will be published on the department website monthly.
- 15.20. Care should be taken in how pupil absences are recorded, and schools must ensure that the reasons for pupils' absences are followed-up with parents / carers within 5 days. Schools should ensure that all attendance data is updated daily in order to facilitate the running of attendance reports during the academic year. Missing marks will be monitored monthly and shared with to Education Welfare Service and Education Training Inspectorate.
- 15.21. Most pupils do go to school every day; however, some pupils experience difficulties in attending school for a variety of reasons, particularly around emotional health and wellbeing post-pandemic. It is vital that parents and carers ensure their child's regular attendance at school as it is their legal duty to do so. To that end, every school should have a published [Attendance Policy](#) in place setting out the roles and responsibilities of pupils, parents, school and Board of Governors.

- 15.22. The Monitoring and Reporting Pupil Attendance Guidance for schools was updated in January 2023 and states that engagement with parents should form an important element of every school's attendance policy and procedures.

15.23. The Board of Governors should provide support to the school by reviewing school attendance figures and targets and ensuring it is placed as an agenda item at each meeting. Consideration should be given to promoting attendance within the school and providing support to those pupils who experience difficulties.

15.24. The Board of Governors should be provided with a regular report on pupil attendance with a view to ensuring that appropriate action is taken to encourage good attendance. [Chapter 6](#) explains that pupil attendance can be used as a school performance indicator.

Retention and Access to School Registers

15.25. All schools must hold copies of pupil attendance records and pupil registration records for not less than 10 years from the date on which the register ceased to be used.

15.26. School Inspectors and officers of DE and of the EA are entitled to inspect both registers and to make extracts from them. The Principal is required to make such periodical or other returns from the registers to DE and the EA as they may require.

Absence Tiers

15.27. The Department of Education, has been considering how it can better present pupil absence statistics to help inform and support, schools, parents and pupils regarding the scale of the challenge and the impact which pupil absence can have on outcomes.

15.28. [DE Guidance](#) issued in September 2022 provides a new way of looking at school absence. The methodology used in the USA by [AttendanceWorks](#) looks at the number and percentage of pupils falling into specific absence tiers.

- a. Tier 1a – Regular (0%-4.9% absence)
- b. Tier 1b – At Risk (5%-9.9% absence)
- c. Tier 2 – Chronic (10%-19.9% absence); and
- d. Tier 3 – Severe Chronic (20%+ absence)

15.29. **Tier 1a** - pupils with “Regular Attendance” would equate to 0-1 days absence per month. Universal strategies are used by schools to encourage good attendance for all pupils. This is where proactive methods would be utilised at very little cost.

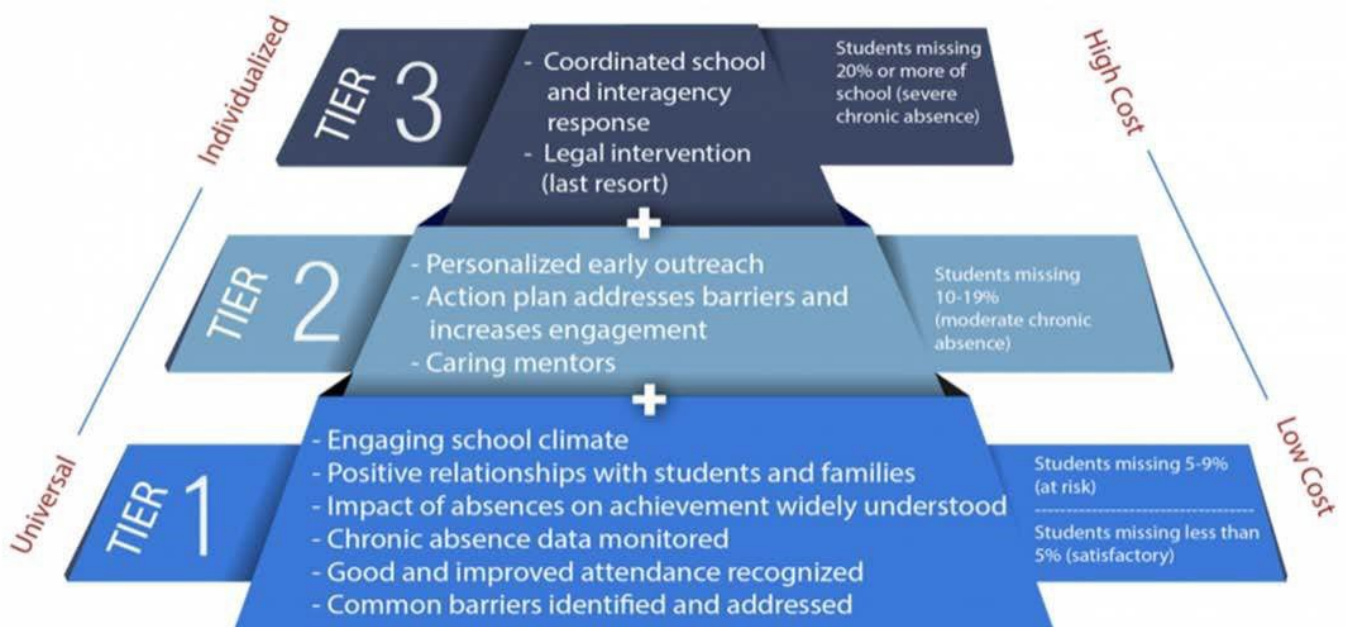
15.30. **Tier 1b** - pupils “At Risk Attendance” would equate to 1-2 days per month. Schools should be implementing more focused strategies to ensure attendance improves and pupils who need more support receive it in a timely manner to avoid chronic absence.

15.31. **Tier 2** – pupils classed with “Chronic Attendance”, miss the equivalent of 2-3 days per month. This would require schools to introduce interventions such as action planning for each pupil, mentoring and / or personalised early outreach to pupils.

15.32. **Tier 3** would be for pupils classed with “Severe Chronic Attendance”, miss the equivalent of 4 days or more per month. This requires schools to have specific interventions in place which could include interagency work, Education Welfare Service involvement leading potentially (in a minority of cases) to court action.

15.33. A new attendance report is available to schools which enables them to run this new Absence Tier report at any time on C2K.

Absence Tiers Summary



16.34. Every school should have a link Education Welfare Officer (EWO), employed by the EA, whose aim it is to reduce unnecessary absences from school by offering support and help to pupils, parents and schools. If a school is concerned about a

child's attendance level, they should consult with their EWO and possibly make a referral to the Education Welfare Service.

15.35. The EWO can suggest things that parents can do to help improve matters and can offer to go to the school with parents to talk to staff about any problems and how they can be addressed. They can also put parents in touch with other agencies that may be able to offer further advice. If the problem is of a practical nature, the EWO can offer advice about free school meals, access to transport assistance and uniform grants.

Compulsory School Age

School Starting Age

15.36. Where a child reaches the age of 4 on or between 1 September and 1 July in the same school year, the child usually reaches the lower limit of compulsory school age at the beginning of the next school year.

15.37. Where a child reaches the age of 4 on or between 2 July and 31 August in the same calendar year, the child has to start school in the September following their fifth birthday.

15.38. The School Age Act (2022) provides legal flexibility so that the youngest children in the year born between 1st April and 1st July (inclusive), or who were due to be born on or after 1st April but were born earlier, are able to commence primary education in September following their fourth birthday (as they do now), or alternatively to defer entry to primary school until the September following their fifth birthday.

15.39. Deferral is available on parental request and does not involve an educational assessment.

15.40. Under the Act's provisions, children who defer primary school do not reach the lower limit of compulsory school age until 1st August after their fifth birthday. This removes any requirement to provide full-time home education in the year before they commence primary school.

Age of Transfer to Post-primary School

15.41. A pupil with an eleventh birthday on or between 1 September and 1 July in the same school year will normally transfer to a post-primary school with effect from the start of the next school year.

15.42. Where a pupil's eleventh birthday falls on or between 2 July and 31 August in the same calendar year, they must transfer to a post-primary school with effect from the start of the school year following their twelfth birthday.

15.43. The School Age Act (2022) provides that in the case of a child who has deferred entry to primary school the child will transfer to post-primary school having attained the age of twelve years;

15.44. In certain circumstances the Board of Governors of a pupil's primary school may decide that a pupil should transfer to post-primary education a year earlier or a year

later than the normal age; details of these arrangements are contained in DE Circular 1996/24.

School leaving age

15.45. A pupil who reaches the age of 16 on or between 1 September and 1 July in any school year can leave school at the end of that school year.

15.46. A pupil who reaches the age of 16 on or between 2 July and 31 August in the same calendar year must return to school in September of the same year and cannot leave school until 30 June in following school year.

15.47. These arrangements are designed to ensure that all pupils complete 12 years at school and have the opportunity to sit their GCSEs.

15.48. The School Age Act (2022) amends the definition of the upper limit of compulsory school age for those children who defer entry to primary school so that they will continue to receive 12 years of compulsory education.

15.49. Deferred children will remain of compulsory school age until the end of the academic year when they turn 17, when they will be completing Year 12. This means children who defer cannot leave education at the end of Year 11 mid-way through their qualification courses.

The Law

Primary Legislation

Education and Libraries (NI) Order 1986 – Article 17A (*Regulations as to the carrying on of grant-aided schools*)

Education and Libraries (NI) Order 1986 – Article 46 (*Compulsory School Age*) Note: amended by the 1989 Order

Education and Libraries (NI) Order 1986 – Article 48 (*Registration of pupils at school*)

Education Reform (NI) Order 1989 – Article 156 (*Compulsory School Age*)

Education (NI) Order 1996 – Article 31(1) (*Date of commencement of secondary education*)

School Age Act (Northern Ireland) 2022

Subordinate Legislation

Education Registration and Attendance of Pupils Regulations 1974 SR No. 78

Guidance

<https://www.education-ni.gov.uk/publications/circular-199624-guidance-arrangementstransfer-pupils-primary-secondary-education-other>

DE Circular 2023/11: Attendance Guidance & Absence Recording by Schools
[Sample-Pupil-Attendance-Policy-&-Absence-Notification-Form \(education-ni.gov.uk\)](#)

DE Circular 2016/15 The Procedure for transfer from Primary to Post Primary Education
<https://www.education-ni.gov.uk/publications/circular-201615-procedure-transferprimary-post-primary-education>

<https://www.education-ni.gov.uk/publications/miss-school-miss-out-improving-pupilattendance-strategy>

16. Schemes to Assist Low Income Families

This chapter informs the Board of Governors of the assistance available to low-income families in the form of free school meals and school uniform grants and the Education Maintenance Allowance (EMA) Scheme which applies to pupils aged 16+ in a grant-aided school.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that appropriate arrangements operate within the school with regard to these assistance schemes and to promote and encourage timely applications from those eligible for assistance.

Free School Meals

16.1. Free school meals are provided to ensure pupils of 'non-working' and low-income families have access to a nutritionally balanced meal, suitable as the main meal of the day. A pupil is entitled to free school meals where:

- the pupil or parent is in receipt of Universal Credit and has net earnings not exceeding £14,000 per annum; or
- the pupil or the parent is in receipt of Income Support or Income based Jobseeker's Allowance; or
- the pupil or the parent is in receipt of Income related Employment and Support Allowance; or
- the parent receives the Child Tax Credit or the Working Tax Credit and has an annual taxable income not exceeding an amount as determined by the Department³; or
- the parent receives Working Tax Credit "run-on" - the payment someone may receive for a further four weeks after they stop qualifying for Working Tax Credit; or
- the parent receives the Guarantee element of State Pension Credit; or
- the pupil has a statement of special educational needs and is designated to require a special diet; or
- the pupil is a boarder at a special school; or
- the pupil is the child of an asylum seeker supported by the Home Office National Asylum Support Service (NASS)⁷; or

³ Eligibility under the Working Tax Credit criterion was introduced on a phased basis with Nursery, Foundation Stage and Key Stage I pupils eligible from September 2010 and Key Stage II pupils eligible from September 2011. It was extended to post-primary pupils from September 2014. The amount determined by the Department is currently £16,190.

- if none of the above apply and a child presents at school hungry, then the school should, on humanitarian grounds, provide free school meals to the child. This initial decision, taken by the school at the point of need, must be followed immediately with a referral to the Education Authority's (EA) Education Welfare Service (EWS). The school should continue to provide free school meals while the EWS is carrying out its assessment. If, following an initial assessment using the UNOCINI Assessment Framework⁴, the EWS is not satisfied that the Level 2 indicators are present (across the Child, the Parent Capacity and the Family and Environmental factors), the provision of free school meals should cease.

16.2. A further referral to the EWS for assessment for free school meals should not be made unless the school becomes aware of any change in the child's circumstances. Where the entitlement to free school meals on days when the child has neither food nor the means to pay for a meal is confirmed, it will be reassessed by the EWS prior to or at the beginning of each school year.

16.3. If the EWS or school finds that the child already has a social worker EWS will request that the social worker completes the assessment for Free School Meals and forwards the outcome of this in writing to the EWS.

16.4. In making their assessment, if the EWS determines that a child is a child in need⁵ they should, in addition to making a determination about the child's entitlement to free school meals, make a referral to the Gateway Team of the local Health and Social Care Trust. This referral should be made on the basis of the completed UNOCINI which will enable the Gateway Team to establish if there is a need for the service to undertake any further assessment.

Note: Only pupils in full-time places in school are eligible to avail of a free meal.

16.5. Schools should inform the EA as soon as possible of any pupils being provided with free meals on humanitarian grounds and should provide the following details: pupil's name, date of birth, home address and period through which free meals are to be provided, together with confirmation of the previous school attended if they have recently moved school. The names and national insurance numbers of the pupil's parents should also be supplied where available.

16.6. The eligibility criteria are contained in the '[Arrangements for the Provision of Milk, Meals and Related Facilities](#)' approved by the Department of Education (DE).

16.7. The Education Authority (EA) is responsible for administering the award of free school meals -. <https://www.eani.org.uk/financial-help/free-school-meals-uniform-grants> Schools should encourage and support families who are eligible for FSM to apply to the

⁴ The UNOCINI Threshold of Need Model can be viewed at https://www.health-ni.gov.uk/sites/default/files/publications/dhssps/thresholds-of-need-model_0.docx

⁵ Under Article 17 of the Children (NI) Order 1995 (the Children Order) a child is in need if inter alia he is unlikely to achieve or maintain a reasonable standard of health or development without the provision of personal social services by a Health and Social Care Trust. Article 18 of the Children Order places a general duty on each Trust to safeguard and promote the welfare of children within its area who are in need and to provide a range and level of personal services appropriate to those children's needs.

EA to establish their entitlement and be registered on the EA's FSM register/database so their child can receive free school meals. The EA's FSM register/database is used to verify entitlement as part of the annual school census exercise and to make Uniform Grant payments and School Holiday Food Grant payments to eligible families. Any queries in relation to this should be referred to Free School Meals and Uniform Helpline 02890 418044 or e-mail mealsanduniform@eani.org.uk. Chapter 20 of this Guide provides further information in relation to school meals.

School Uniform Grants

16.8. The Clothing Allowances Scheme, drawn up and administered by the EA, provides assistance towards the cost of specific items of school uniforms and clothing for physical education (PE) for pupils at primary and post-primary schools or day pupils at special schools. The eligibility criteria are similar to those used for free school meals.

16.9. The wearing of a school uniform is not governed by legislation but falls to schools to determine. The day-to-day management of schools, including any rules regarding the dress of pupils, is a matter for school Principals, subject to any directions that might be given by the Board of Governors.

16.10. Therefore, the Scheme is not intended to cover the full cost of a uniform, rather it is designed to assist those in need with the cost of purchase. DE extended the scheme to primary school pupils from the 2009/10 school year. Eligibility under the Working Tax Credit criterion was introduced on a phased basis with Foundation Stage and Key Stage 1 pupils eligible from September 2010, Key Stage 2 pupils eligible from September 2011 and post-primary pupils from September 2014. From September 2017 five of the benefits in the eligibility criteria will be replaced by Universal Credit on a phased basis therefore a new UC criterion has been added (see 17.1).

16.11. DE has developed guidance (updated in June 2018) for schools on school uniforms and the importance of taking account of cost, safety, equality and consultation with pupils and parents. The guidance is contained in Circular 2011/04– Guidance to Schools on School Uniform Policy available on the DE website -

<https://www.education-ni.gov.uk/publications/circular-201104-guidance-schools-schooluniform-policy-revised-5-june-2018>

Education Maintenance Allowances (EMAs)

Eligibility Criteria

16.12. Boards of Governors should be aware of the EMA Scheme operating in grantaided schools with post-16 provision. EMAs are payable to pupils in schools with post-16 provision who:

- have their 16th, 17th, 18th or 19th birthday on or between 2 July in any year and 1 July in the following year
- come from households where the income is below a level determined by the Department for Economy (DfE) (currently 20,500 or less or £20,501 - £22,500 if there's at least one other dependant eligible for child benefit in the household)
- are studying full time at school or doing at least 15 hours of guided learning in further education

- meet the residence and nationality criteria set out for the EMA Scheme
- 16.13. The allowance is intended to help cover the day-to-day costs that students have to meet when they stay on at school or college, such as travel costs, books and equipment for their course. Young people may be entitled to receive their EMA for a maximum of three years, up to a maximum of 117 positive or negative weekly attendance confirmations (so long as their household income does not rise above the figure determined by DfE).
- 16.14. The EMA will be available over a 4-year period for those young people with special educational needs who may need additional time in education to achieve their potential.
- 16.15. Courses which attract EMAs are:
- GCSEs
 - GNVQs
 - NVQs
 - AS Level / A-Level GCE
 - Basic Skills Level 1

Any course that attracts a training allowance will not be covered by EMA.

Key Features of EMAs

- 16.16. The key features of EMAs include:
- agreed payments are made fortnightly into the eligible pupil's bank account, subject to attendance on their course
 - a £100 bonus is payable in January and June to pupils who make satisfactory progress in their learning. This involves the pupil agreeing specific learning goals with their teachers, so that their progress in learning over the term can be assessed
 - if a student has special educational needs, payments can be made to a third party
 - EMAs are paid in addition to other support and benefits provided by the Government. Thus, families do not lose out if a young person receives an EMA
 - EMAs do not affect parents' or carers' Child Benefit
 - EMAs do not affect any money a pupil may earn from a part-time job
- 16.17. Schools are responsible for:
- implementing the EMA Scheme and ensuring that it operates as efficiently and effectively as possible
 - informing their pupils about the Scheme at the appropriate time
 - advising and assisting pupils applying for an EMA
 - agreeing the EMA Contract Part 1 with the pupil
 - ensuring that pupils sign the Contract

- informing the Scheme Administrator (the Student Loans Company) that a pupil has enrolled, signed the EMA Contract Part 1 and is now eligible to receive:
- (a) fortnightly payments if they attend school and
- (b) a bonus if Part 2 of the Contract has been agreed and signed, and satisfactory progress in learning has been made
- monitoring attendance robustly
 - informing the Scheme Administrator (the Student Loans Company) whether a pupil should receive their fortnightly payment or bonus
 - administering an appeals process for pupils who may wish to challenge the reason for the school stopping their payments or bonuses
 - keeping evidence to support their EMA payment decisions
 - making records available to the DfE Audit Team for validation inspection upon request

The Law

Education and Libraries (NI) Order 1986 – Article 51 (*Provision of Awards by the Department*) [DfE has executed a Service Level Agreement, delegating the administration and payment of EMA to the Student Loans Company (SLC)]

Education and Libraries (NI) Order 1986 – Articles 58 and 59 (*Provision of milk, meals and related facilities*)

Education and Libraries (NI) Order 1986 – Article 60 (*Provision of clothing etc. for pupils attending grant aided schools or institutions of further education*)

Guidance

Arrangements for the Provision of Milk, Meals and Related Facilities – EA
<https://www.education-ni.gov.uk/publications/milk-and-meals-arrangements-educationauthority-voluntary-grammar-and-grant-maintained>

Arrangements for the Provision of Milk, Meals and Related Facilities – Grant maintained Integrated Schools
<https://www.education-ni.gov.uk/publications/milk-and-meals-arrangements-educationauthority-voluntary-grammar-and-grant-maintained>

Arrangements for the Provision of Milk, Meals and Related Facilities – Voluntary Grammar Schools
<https://www.education-ni.gov.uk/publications/milk-and-meals-arrangements-educationauthority-voluntary-grammar-and-grant-maintained>

Further information about the EMA Scheme can be accessed on the nidirect website
<https://www.nidirect.gov.uk/articles/how-apply-money-learn-education-maintenanceallowance>

Scheme for the Provision of Clothing etc. for Pupils Attending Grant-aided Schools or Institutions of Further Education (Available from EA)²

Further information on FSM/UG can be found by contacting the Food in Schools Team in the Department of Education. They can be contacted via foodinschools@educationni.gov.uk

Further information on Schemes to Assist Low-income families can be found by contacting the Education Authority Team. They can be contacted via <https://www.eani.org.uk/financial-help/free-school-meals-uniform-grants/free-schoolmeals-uniform-grant-eligibility>

17. School Days of Operation and Closure

This chapter explains the statutory requirements relating to school days of operation and closure.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that the school complies with the statutory requirements regarding days of operation and closure.

School Days of Operation and Teaching

17.1. A grant-aided school must be in operation for 200 days per year, less:

- 10 optional days, 5 of which are for staff training and development and
- any exceptional closures approved by DE

17.2. This means that all grant-aided schools must be open to pupils for 190 days, less any exceptional closure days approved by DE. Full-time teachers are required to be available for work on 195 days in any year (this includes 5 days training and development), of which not more than 190 days should involve teaching children in a classroom.

Optional and Exceptional Closures

17.3. School teachers have access to 5 non-teaching days per year (commonly known as Baker Days) to undertake school-based training, development and improvement activities on a whole-school, departmental or individual teacher basis. Schools are closed to pupils on these days.

17.4. The Board of Governors has discretion to close the school for up to another five optional days. Also, any school may request an exceptional closure to deal with

circumstances beyond its control, such as adverse weather conditions or burst pipes. The [DE Circular 2020/09 School Optional and Exceptional Closures](#) provides more detailed information on these types of closures. The Department expects schools to have due regard to the impact of exceptional closures on pupils' learning and would encourage schools to do all they can to recover lost teaching time due to exceptional circumstances, particularly where the number of operational days fall below 185. For example, where schools have planned to take their full 5 School Development Days, they could reconsider these days in light of the number of exceptional closures during the year.

Closures for School Development Days

17.5. In addition to the Baker Days, School Development Days (SDDs) provide additional non-contact time for teachers to facilitate schools in considering school improvement and school development matters. Where a school decides not to use all or some of these school development days, it must be open as normal to pupils on these days.

17.6. DE issues a separate Circular setting out the number of SDDs approved for each school year. DE Circular 2011/21 provides detail of what SDDs should be used for, the mechanisms for reporting the uptake and use of these days and the need to evaluate SDDs. Schools should include details in the Governors' Annual Report of the days on which the school is closed to pupils to facilitate SDDs and the main activities carried out on each day. It is also recommended that this information is provided in the School Development Plan. Schools should ensure that the use of SDDs is having a positive impact on school improvement. DE will be examining how SDDs are being used by schools, what impact they have in relation to school improvement and also looking at the number of days available in order to identify whether any changes are required.

17.7. Within Shared Education partnerships, best practice identified supports the joint planning of school development days. Aligning in this way provides a vital opportunity to enhance relationships amongst all partners, share practice, support professional development and build capacity for delivering Shared Education on a collaborative basis. It also has the added benefit of cost-saving as it reduces the need for sub cover related to Shared Education planning at other times. Further detailed information on Shared Education and links to further guidance are available at [Chapter 24](#).

17.8. Proposals for using SDDs should be submitted to the Education Authority as early as possible in a school year so that:

- arrangements for support from Authority staff, if required, can be arranged
- transport and meals arrangements can be made efficiently

School Holidays and Fixed School Term Dates

17.9. The EA will advise schools of the dates of school holidays and fixed school term dates for pupils in all grant-aided schools, taking account of the availability of school transport and school meals services. Schools are encouraged to adhere to these arrangements having regard to the circumstances of working parents with children at different schools.

17.10. At the end of each school year, the Principal of each school must provide the EA with a statement as in Form S.A.2 titled 'School Attendance of the school's operational days and holidays' in respect of the ensuing year. The form must be signed by the Principal and countersigned by the Chairperson or other authorised person representing the Board of Governors of the school. A copy of this form must be displayed in the school for the inspection and information of parents, who may take extracts or copies of it. The education system relies on Boards of Governors to verify at the end of the year that the pupils in their school have been taught for the requisite 185 days. It is the responsibility of each Board of Governors to provide the necessary assurance statements, as requested by EA.

Length of School Day

Nursery Schools

17.11. A nursery school must be open for at least 4 hours on each school day of which not less than 3 hours has to be spent on suitable training and activities.

Primary Schools

17.12. In a primary school, pupils enrolled in a class composed mainly of pupils who had not attained the age of 8 at the beginning of the school year, are required to attend school for a minimum of 3 hours per day, other than for Religious Education.

Primary and Post-primary Schools

17.13. In a primary and post-primary school, all other pupils are required to attend for a minimum of 4.5 hours per day, other than for Religious Education. The 4.5 hours must be in 2 sessions separated by a period of not less than half an hour. Generally, this means a primary or post-primary school is open for a minimum of 5 hours per day.

17.14. DE can change the requirements at paragraphs 10 and 11:

- when there are special circumstances connected with the organisation of a primary school
- in the case of primary or post-primary aged pupils for whom special instruction of a special nature is being provided

The Law

Primary Legislation

Education and Libraries (NI) Order 1986 – Article 17A (*Regulations as to the carrying on of grant-aided schools*)

Education and Libraries (NI) Order 1986 – Article 48 (*Registration of pupils at school*)

Subordinate Legislation

Education Nursery Schools Regulations 1973 SR No. 400

Education Primary Schools: General Regulations 1973 SR No. 402

Education Secondary Schools (Grant Conditions) Regulations 1973 SR No. 403

Education Registration and Attendance of Pupils Regulations 1974 SR No. 78

Guidance

DE Circular 2011/21: School Development Days

<https://www.education-ni.gov.uk/publications/circular-201121-school-developmentdays-201112-201415-school-years>
[circular-201121-addendum-school-development-days](https://www.education-ni.gov.uk/publications/circular-201121-addendum-school-development-days)

DE Extension to Circular 2011/21: School Development Days

<https://www.education-ni.gov.uk/publications/school-development-days-201516-letterschools>

DE Circular 2016/04: School Development Days 2016/17 & 2017/18 school years

<https://www.education-ni.gov.uk/publications/circular-201604-school-developmentdays-201617-201718-school-years>

Addendum to Circular 2016/04 - School Development Days

<https://www.education-ni.gov.uk/publications/addendum-circular-201604-schooldevelopment-days>

DE Circular 2013/09: Teaching Days and Hours of Attendance

<https://www.education-ni.gov.uk/publications/circular-201309-teaching-days-and-hoursattendance>

DE Circular 2017/14 School Optional and Exceptional Closures

<https://www.educationni.gov.uk/sites/default/files/publications/education/Circular%202017%2014%20%20School%20Optional%20and%20Exceptional%20Closures.pdf>

DE Circular 2013/19: School Optional and Exceptional Closures

<https://www.education-ni.gov.uk/publications/circular-201319-school-optional-andexceptional-closures>

Any queries should be directed to the following teams;

Exceptional Closure or Attendance: attendance@education-ni.gov.uk

School Days and Hours of Operation: CAT@education-ni.gov.uk

School Improvement Days : DEsit@education-ni.gov.uk

18. School Fees, Charges and Remissions

This chapter provides information about the law governing the fees and charges that can and cannot be levied by the Board of Governors in respect of registered pupils at a grant-aided school and about requests for voluntary contributions to support the school and school activities.

The Role of the Board of Governors

The role of the Board of Governors is to ensure compliance with the statutory requirements relating to school fees, charges and remissions and requests for voluntary contributions.

For ease of reference, the table below sets out the paragraphs in this chapter that apply to different types of schools.

Paragraph(s)	Application
1-23	all grant-aided schools but not : - Group B voluntary grammar schools - excepted pupils in grammar schools - schools in hospitals
24-26	Group A voluntary grammar schools (i.e., schools eligible for capital grants)
27	Group B voluntary grammar schools (i.e., schools not eligible for capital grants)
28-30	excepted pupils in all grammar schools
31+32	schools with boarding departments
33-35	all grant-aided schools
36	schools in hospitals

General

18.1. With certain specific exceptions in relation to grammar schools, the law described here:

- maintains the right to free education for registered pupils at grant-aided schools
- establishes that activities organised wholly or mainly during the normal teaching time should be made available to registered pupils, regardless of the ability or willingness of their parents to meet the cost
- subject to specific remission arrangements, require parents to pay charges for board and lodging for their children at school or on residential trips
- maintains the right of a Board of Governors to invite voluntary contributions for the benefit of the school
- makes it clear that there is no statutory obligation on the Board of Governors to make any charge for any form of education or related activity in grant-aided schools

Prohibited Fees and Charges

18.2. No fees or charges can be levied in respect of:

- the admission of a pupil to school
- education during school hours (excluding the lunch break) for registered pupils at school (excluding individual tuition in the playing of a musical instrument)
- education wholly or mainly outside school hours required as part of any syllabus for a public examination for which the pupil is being prepared by the school or provided to comply with the statutory requirement to deliver religious education or the curriculum
- the entry of a registered pupil for any public examination in any syllabus, for that examination for which the pupil is being prepared by the school
- materials, books, instruments or other equipment for use in connection with the education described above (paragraphs 20-23 also refer)
- transport incidental to education that must be provided free of charge. This means transport for pupils to or from any part of the school premises. It also means transport provided to and from a place outside the school premises, for education arranged by or on behalf of the Board of Governors and from and to the school premises or any other such place
- transport to enable the pupil to meet any examination requirement for any syllabus for a public examination, which is a syllabus for which the pupil has been prepared by the school

Educational activities partly during and partly outside school hours

18.3. Non-residential educational activities provided partly during and partly outside school hours is Education during School Hours, if 50% or more of the time together with any travelling time falls during school hours.

18.4. Education on a residential trip provided partly during and partly outside school hours is Education during School Hours, if the number of morning and afternoon sessions the pupils would have attended at school is 50% or more of the number of half days, including travel time spent on the trip. Half or more of a morning or afternoon session at school counts as a full session. A half day spent on the trip means any period of 12 hours ending at noon or midnight on any day; 6 or more hours of a half day on the trip, counts as a full half day.

18.5. In both situations travelling time means any time spent by pupils on travel to or from the venue of the educational activity during school hours (excluding the lunch break).

18.6. In any other case, the education is treated as being outside school hours.

Permitted Charges

Optional Extras

18.7. A charge may be made in respect of:

- any optional extra education or transport provided by the Board of Governors wholly or mainly outside school hours for a registered pupil, with the agreement of their parents
- an optional extra entry of a registered pupil for any public examination in any syllabus for that examination with the agreement of their parents
- board and lodging on a residential trip

18.8. With the exception of individual tuition in the playing of a musical instrument, this excludes education, transport or examination fees described in paragraph 2 and home to school transport which is subject to separate arrangements.

18.9. The parent must indicate his or her wishes with regard to the provision or the optional extra and their willingness to pay the charge before the optional extra is provided.

Individual Tuition in the Playing of a Musical Instrument

18.10. Individual tuition in the playing of a musical instrument provided for a registered pupil by the school, either during or outside school hours, is to be treated as an optional extra if it is not required as part of a syllabus for a public examination for which the pupil is being prepared by the school or specifically to fulfil the teaching of music as part of the statutory curriculum. As music tuition is normally provided by a school in a class or group setting, it is expected that individual tuition in playing a musical instrument would be provided, either as part of the preparation for an A level public examination course or as an optional extra.

Optional Extra Examination Entries

18.11. This applies to public examinations for which the pupil has not been prepared by the school. The pupil may have received private tuition or be resitting an examination for which the school had earlier prepared him, but no additional preparation had been given since the previous examination entry. A school may also pass on to the parent, any charge which may arise as the result of a parent's request to have a pupil's examinations results scrutinised.

Board and Lodging on Residential Trips for Day Pupils

18.12. A charge may be made for board and lodging on a residential trip, irrespective of whether charges may be levied for the education provided through the school activity. The charge must not exceed the actual cost of board and lodging for the individual pupil.

Optional Extra Charges

18.13. Where the Board of Governors funds the cost of the optional extra, it is responsible for determining whether a charge should be made and the amount of the charge. There is no obligation on the Board of Governors to provide optional extras or to charge for them.

18.14. When the Board of Governors decides to provide an optional extra, it must also decide whether to levy a charge on the parents. Any charge must not exceed the full per capita cost of provision for the individual pupil concerned. It can include an appropriate element for the pupil's travel, materials, books, instruments, non-teaching staff costs, entrance fees and insurance costs. It can include the costs of engaging a teacher under separate contract, specifically to provide the optional extra.

18.15. The Board of Governors must decide if the charge should equal the full per capita cost for the pupil or a lesser amount, which would be partly subsidised from school funds i.e., the school budget or private funds. Alternatively, the Board of Governors may decide to meet the full cost of the optional extra from school funds or from fund raising activities. Where fund raising is used, the criteria related to voluntary contributions applies.

18.16. Any charge levied is payable by the parent of the registered pupil to the Board of Governors. However, where the optional extra is being provided and funded by the EA and a charge is levied on the parent, the Board of Governors may subsidise or meet those charges from school funds on behalf of the parents of any registered pupil at the school.

18.17. No charge can be made unless the Board of Governors and the EA has in place a charges and remissions policy.

Charges and Remissions Policies

18.18. The Board of Governors must have and must keep under review, a school charges and remissions policy which sets out clearly:

- the provision or cases of provision that it proposes to make charges for any optional extra or board and lodging for which charges are permitted
- the circumstances in which it proposes to remit in whole or in part, any charge payable to it in accordance with its own policy
- the circumstances in which it proposes to remit in whole or in part, any charge payable to the EA in accordance with the latter's charging policy for any optional extra or board and lodging provided for a registered pupil at the school

18.19. The remissions policy of the Board of Governors (and the EA) must provide for the complete remission of any charges otherwise payable for the board and lodging of a pupil on a school residential trip, where:

- the education on the trip must be free of charge (paragraph 2 refers)
- the parents of the pupil are in receipt of income support or family credit in respect of the period wholly or partly comprised in the time spent on the trip

Both conditions must be met to qualify for remission of these charges. The Board of Governors (and the EA) may if it wishes, operate a more generous remissions policy.

Materials, Books and Instruments

18.20. A school is allowed to charge for, or require a parent to supply, any ingredients and materials to be used for the production in a course of education of an item which

the parent wishes the pupil to own. Alternatively, the school may invite voluntary contributions towards the costs.

18.21. There is nothing to prevent the school from inviting parents to supply their children with certain items, such as pens and pencils and sports equipment, which will therefore remain the property of the pupil concerned. A parent may also wish to purchase a musical instrument for their child's personal use, inside and outside school.

18.22. When inviting voluntary contributions, a pupil cannot be excluded from an activity because their parents have failed to contribute towards the cost (paragraph 35 refers).

Breakages and Fines

18.23. Although this is not covered by legislation, schools are not prevented from asking parents to pay for items lost, damaged or destroyed as the result of a pupil's behaviour. Parents should be made aware of the school's policy on such matters.

Group A Voluntary Grammar Schools (i.e., schools eligible for grant-aid on capital development schemes approved by DE)

18.24. The Board of Governors of a voluntary grammar school that is eligible for 85% capital grants on an approved capital development scheme, may make a charge in respect of any registered post-primary pupil to meet the 15% balance of expenditure incurred or to be incurred in relation to:

- the provision or alteration to school premises
- the provision of equipment provided in connection with the provision or alteration of school premises

other than premises used wholly or mainly for boarding purposes. The amount of the charge may not exceed £140.

18.25. The Board of Governors of a voluntary grammar school which is eligible for 100% capital grants on an approved capital development scheme, may make a charge in respect of a registered post-primary pupil only to meet any outstanding deficit on a completed capital development scheme, which was 85% grant-aided by DE. The amount of this charge is set by DE.

18.26. The school's policy on charges and remissions should detail the circumstances in which this capital fee may be remitted in whole or in part. DE [Circular 2008/19](#) offers guidance on this point.

Group B Voluntary Grammar Schools (i.e., schools not eligible for grant aid on capital development schemes)

18.27. The Boards of Governors of these 2 schools are entitled, subject to regulations to make a charge in respect of any registered post-primary pupil – other than an excepted pupil – for the purpose of meeting expenditure required to carry on the secondary department of the school, other than expenditure that is grant-aided. In accordance with the Grammar Schools (Charges) Regulations (NI) 1992, the amount of any such charge must not be more than the amount of any corresponding charge made in respect of an excepted pupil. A charge cannot be made in respect of the entry of a

registered post-primary pupil – other than an excepted pupil – for a public examination in any syllabus for that examination for which the pupil is being prepared by the school.

Excepted Pupils in Grammar Schools

18.28. An 'excepted pupil' in a grammar school is as defined in [The Education Reform \(Northern Ireland\) Order 1989 \(Article 127\)](#).

Charges for Excepted Pupils

18.29. The Board of Governors of a grammar school in which an excepted pupil is registered may, subject to regulations, make charges of such amounts as it may determine in respect of that pupil. In accordance with the Grammar Schools (Charges) Regulations (NI) 1992, the charges for excepted pupils in grammar schools - other than in the Group B schools – must not include expenditure incurred or to be incurred in respect of:

- the provision or alteration to school premises
- in the case of a voluntary school, the provision of equipment provided in connection with the provision or alteration of school premises
- in the case of a controlled school, the provision of equipment which is an excepted item of expenditure under the LMS formula funding arrangements

18.30. With regard to the charges which may be levied in respect of the excepted pupils in a preparatory department, the arrangements are that the tuition fee will be such, that together with grants provided through DE, will enable the department to be self-financing.

Charges for Board and Lodging at Boarding Schools

18.31. The Board of Governors is responsible for levying a charge on the parent of a registered pupil who is provided with board and lodging at its expense.

18.32. Where the EA is satisfied that suitable education cannot be provided for a pupil resident in its area, otherwise than by the provision of board and lodging at a particular school, it will remit any charges payable by the parent to it or it will pay the charges to the Board of Governors. Where the EA is satisfied that payment of the full charges would cause financial hardship to the parent of a pupil ordinarily resident in its area, it will remit part or the whole of any charges payable to it or it will pay part or the whole of the charges to the Board of Governors, in order to avoid such hardship.

Charges for Educational Facilities and Services

18.33. The Board of Governors of a grant-aided school may make available its educational facilities or services to any other school, institution, body or person and subject to regulations, may make charges for its facilities or services. Educational facilities mean the equipment, premises and other property of the school and educational services includes services provided by teachers. At the present time such charges are not regulated.

Public Examination Entries

18.34. The Board of Governors of a grant-aided school has a statutory duty to secure that, every registered pupil at the school is entered for each public examination and each specification for that examination for which the pupil is being prepared at the school. This does not require the pupil to be entered for a public examination in any specification, if the school has entered the pupil for another public examination in a corresponding specification. In such circumstances, the specification for one public examination is regarded as corresponding to the specification for another such examination, if the same course of study is provided at the school for both specifications. This duty does not apply where the Board of Governors considers that there are educational reasons for not entering that particular pupil for that examination or that specification in that examination and the parent of the pupil agrees or makes a written request to this effect.

Voluntary Contributions

18.35. There is no prohibition on any request by or on behalf of a school Board of Governors for voluntary contributions for the benefit of the school or in support of activities organised by the school whether inside or outside school hours. However, the law requires that any such request must make it clear that:

- there is no obligation to make any contribution
- registered pupils at the school will not be treated differently according to whether or not their parents have made any contribution

18.36. Schools should be mindful of the spirit as well as the letter of the law and should ensure that:

- the voluntary nature of contributions is highlighted in all correspondence that requests them
- the design of stationery used for billing or invoicing, clearly distinguishes between any compulsory charges being levied and any voluntary component
Children and young people and their parents should not be asked why they have not paid voluntary contributions.

Schools in Hospitals

18.37. Nothing in this chapter applies in relation to a school established in a hospital; but the law prohibits any charge being made in respect of admission to, or education or equipment provided to a pupil at, any such school.

The Law

Primary Legislation

Education Act 1947 – Section 104 (*Grants in Aid of educational services i.e., in grammar school preparatory departments*)

Education and Libraries (NI) Order 1993 – Article 48 (*Capital Charges in voluntary grammar schools*) Note: This amends Article 132 of the Education Reform (NI) Order 1989

Education (NI) Order 1998 – Article 72 (*Charges for educational facilities and services*)

Education Reform (NI) Order 1989 – Article 131 (*Charges and Remissions Policies*)

Education Reform (NI) Order 1989 – Article 133 – 134 (*Charges in Voluntary Grammar Schools*) Note: Article 132 is amended by the 1993 Order

Education Reform (NI) Order 1989 – Article 135 (*Charges for board and lodging at boarding schools*)

Education Reform (NI) Order 1989 – Article 136 (*Obligation to enter Pupils or Approved Examinations*)

Education Reform (NI) Order 1989 – Article 137 (*General and supplementary provisions*)

Subordinate Legislation

Grammar School (Charges) Regulations (NI) 1992 SR No. 171

Grammar School (Charges) (Amendment) Regulations (NI) 2008 SR No. 376

Guidance

DE Circular 1991/21: Education Reform (NI) Order 1989 – Charges in Grant-aided schools

<https://www.education-ni.gov.uk/publications/de-circular-199121-education-reform-niorder-1989-charges-grant-aided-schools>

DE Circular 1999/06: Obligation to enter pupils for public examinations

<https://www.education-ni.gov.uk/publications/circular-199906-obligation-enter-pupilspublic-examinations>

DE Circular 2008/19: Grammar Schools (Charges) (Amendment) Regulations (NI) 2008- Statutory Rule 2008 No. 376

<https://www.education-ni.gov.uk/publications/circular-200819-publication-voluntarygrammar-schools-regulations-and-circulars>

Ministry of Education Circular Letter S. 1950/22 (*Voluntary Grammar Schools Funding – preparatory departments*)

Further information on School Fees, Charges and Remissions can be found by contacting the Finance Team in the Department of Education.

19. School Milk, Meals and Related Facilities

This Chapter explains the responsibilities of the Board of Governors in relation to the arrangements for the provision of meals in a grant-aided school.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that appropriate arrangements operate for the provision of school meals and to promote and encourage healthy eating by pupils in schools. In particular, the Board of Governors must ensure that school meals and other food and drinks provided in school (for example, breakfast clubs, tuck shops, vending machines) comply with the nutritional standards as outlined in the Department's statutory Arrangements for the Provision of Milk, Meals and Related Facilities.

Background

19.1. The Education Authority (EA) is responsible for the provision of the school meals service in controlled and maintained schools. In voluntary grammar schools and grantmaintained integrated schools, responsibility for the provision of a school meals service lies with the Trustees/Boards of Governors. All school meals provided in grant-aided schools must comply with the Department's nutritional standards for school lunches. In nursery, primary and special schools', dinners must be provided on every school day for day pupils who wish such provision. In post-primary schools' meals must be available on every school day for day pupils who are entitled to a free meal. A school meal must be a nutritionally balanced meal suitable as the main meal of the day and is generally expected to be a hot meal. Schools may also provide meals to those pupils who do not meet these mandatory requirements. Outside of the dining area food and drink provided in school or brought to school, is a matter for the Board of Governors and when provided by the school they must comply with the Department's nutritional standards for other food and drinks in school.

19.2. The school meals service has an important role to play in the development of social skills and the formation of good eating habits in young children. This has positive effects in the long-term, including the benefits of a healthier population. Research indicates that children who eat a nutritional meal during the day, maintain higher levels of concentration and demonstrate increased learning. In addition, the type of food and drink consumed can impact on behavioural patterns.

Milk and Meals Arrangements and Nutritional Standards

19.3. The service is provided in accordance with the statutory [Arrangements for the Provision of Milk, Meals and Related Facilities](#) issued by the Department of Education (DE) under the Provisions of Articles 58 & 59 of the Education and Libraries (NI) Order 1986 . These are available on the DE website.

19.4. In particular, providers must comply with the DE nutritional standards for school lunches outlined in the above statutory arrangements, which aim to help pupils make healthy choices, by providing a range of healthy meals, to convey the meaning and

importance of a healthy diet and to contribute to a reduction in the levels of child obesity. Standards have also been drawn up in relation to other food and drinks provided in schools (for example breakfast clubs, tuck shops, vending machines etc.) and schools are expected to adhere to these standards.

19.5. The standards only apply during normal school hours and do not therefore apply to boarding pupils after the end of the school day. The standards do not apply to special one-off functions, such as discos or club parties or fundraising events like school fairs or jumble sales. Neither do they cover food such as packed lunches brought from home by pupils, which is a matter for parents and schools to decide at local level. Packed lunches provided by the school must, however, comply with the standards.

19.6. Guidance in relation to the implementation of the nutritional standards is available in the following publications:

- [Nutritional standards for school lunches: a guide for implementation PDF 1.71 MB](#)
- [Nutritional standards for other food and drinks in schools: a guide for implementation PDF 1.67 MB](#)

These can be downloaded from the Department of Education website: Nutritional standards for school lunches: a guide for implementation.

<https://www.educationni.gov.uk/articles/nutritional-standards#toc-1>

19.7. In addition the PHA has developed [School food: the essential guide](#) to support the School food: top marks programme, which is a school food initiative by the PHA, DE and the Department of Health (DoH). The guide aims to provide practical advice and case studies to support all teachers, pupils, health professionals, caterers and others, in promoting and implementing healthier eating and drinking in primary and post-primary schools. The Guide can also be downloaded from the DE website.

19.8. The statutory arrangements also outline the categories of pupils who are entitled to free milk i.e., all pupils at special schools; pupils in nursery and primary schools who do not have access to school meals and individual nursery and primary school pupils, where it is deemed necessary in the interests of their health. Subsidised milk is also available to nursery, primary and post-primary pupils under the DAERA School Milk Scheme, administered by the Department of Agriculture, Environment and Rural Affairs

(DAERA). It is a matter for individual schools to decide if they wish to participate in the scheme.

Types of Service

19.9. Two main types of school meal service exist:

- a traditional meal comprising a main course and dessert
 - a cash cafeteria service, where items are priced separately
- Cash cafeterias tend to operate mainly in post-primary schools.

Charges

19.10. The charge for any meal or refreshment provided should be sufficient to fully recover the variable costs and make a contribution to fixed costs in the controlled/maintained sector and the full cost of production in VG and GMI sector. The charge is remitted in full where a pupil is entitled to free school meals.

Provision of Premises and Facilities

19.11. Where the EA is providing a meals service to a school not under its ownership, it is required to enter into a contract or agreement, either by way of lease or otherwise, with the Trustees of the school before undertaking any alterations, erection of buildings or any other work relating to the provision of facilities for the service.

19.12. Facilities must also be provided at schools for the consumption of food brought to the school by day pupils. The facilities should include accommodation, furniture and supervision to enable pupils to eat in reasonable conditions, but does not extend to providing light equipment, such as cutlery and crockery or to facilities for cooking or heating food. Where there is spare capacity in the school meals dining room, this should be the first choice of accommodation for packed lunch takers. In the absence of such, alternative arrangements using assembly halls or classrooms should be made. Consideration should also be given to introducing staggered lunch breaks where feasible.

Free School Meals

19.13. Free school meals are provided to ensure pupils of 'non-working' and lowincome families have access to a nutritionally balanced meal, suitable as the main meal of the day – see paragraph 1 of chapter 17 of this Guide for further details.

Food in schools' policy

19.14. The Department, in conjunction with DoH, has also drawn up a Food in Schools policy, which sets out the overall aims and objectives of their policy in relation to food in schools and describes the range of strategies and plans that are being put in place to deliver improved nutrition for our school children. The Food in Schools policy is an overarching policy advocating a 'whole-school approach' to all food provided and consumed in schools and developing knowledge and skills in relation to healthy eating and lifestyles. The policy has elements that are mandatory for all schools such as the Nutritional Standards for School Lunches and elements which are strongly recommended but which ultimately schools have discretion to decide upon within their local context, in consultation with pupils, parents and others. The policy applies to all grant-aided schools and came into effect from 24 September 2013. All grant-aided schools must adopt a whole-school approach to food and nutrition and should have in place their own whole-school food policy.

Healthy Breaks for Schools

19.15. The PHA has produced guidance on healthy breaks for schoolchildren which is designed to assist primary schools to deliver a healthy break scheme. The resource pack – 'Healthy Breaks for Schools' – includes a poster for the schools to display and information leaflets for parents to explain why healthy breaks are important, as well as suggestions for the types of foods and drinks that can be included in a healthy break.

Copies of the resources can be downloaded from the DE website.

<https://www.education-ni.gov.uk/publications/healthy-breaks-school-children-guidance>

The Law

Primary Legislation

Education and Libraries (NI) Order 1986 – Articles 58 and 59
(*Provision of milk, meals and related facilities*)

Subordinate Legislation

The Education (School Development Plans) Regulations (NI) 2010
(*Arrangements for the promotion of the health and well-being of staff and pupils*)

Guidance

DE Circular 2010/22: School Development Planning – Regulations and Guidance
<https://www.education-ni.gov.uk/publications/circular-201022-school-developmentplanning-regulations-and-guidance>

DE Circular 2013/21: Healthy Food for Healthy Outcomes – Food in Schools Policy – PDF 109 KB
<https://www.education-ni.gov.uk/publications/healthy-food-healthy-outcomes-foodschools-policy-0>

Arrangements for the Provision of Milk, Meals and Related Facilities – EA
['Arrangements for the Provision of Milk, Meals and Related Facilities'](#)

Arrangements for the Provision of Milk, Meals and Related Facilities – Grant maintained Integrated Schools ['Arrangements for the Provision of Milk, Meals and Related Facilities'](#)

Arrangements for the Provision of Milk, Meals and Related Facilities – Voluntary Grammar Schools ['Arrangements for the Provision of Milk, Meals and Related Facilities'](#)

Healthy Food for Healthy Outcomes – Food in Schools Policy
<https://www.education-ni.gov.uk/publications/healthy-food-healthy-outcomes>

Nutritional standards for school lunches: a guide for implementation
www.publichealth.hscni.net/publications/nutritional-standards-school-lunches-guideimplementation 

Nutritional standards for other food and drinks in schools: a guide for implementation
www.publichealth.hscni.net/publications/nutritional-standards-other-food-and-drinksschools-guide-implementation 

School Development Planning
<https://www.education-ni.gov.uk/articles/school-development-planning>
School food: the essential guide
www.publichealth.hscni.net/publications/school-food-essential-guide-and-irishttranslation 

Are you packing a healthy lunch? <https://www.publichealth.hscni.net/news/are-you-packing-healthy-lunch>

Healthy breaks for schools' leaflet – English and Irish
<http://www.publichealthagency.org/publications/healthy-breaks-schools-leaflet-englishand-irish-translation>

Healthy breaks for school's poster – English and Irish
<http://www.publichealthagency.org/publications/healthy-breaks-schools-poster-englishand-irish-translation>

Further information on School Milk, Meals and Related Facilities can be found by contacting the Food in Schools Team in the Department of Education. They can be contacted via foodinschools@education-ni.gov.uk.

20. School Premises

This chapter describes the responsibilities of the Board of Governors regarding the school premises, including maintenance and health and safety and insurance issues. It also encourages the Board of Governors to promote the use of the school in the community.

The Role of the Board of Governors

The role of the Board of Governors is to:

- ensure that the school premises and grounds are maintained
- maintain an inventory of equipment, furniture, plant and vehicles
- ensure health and safety on the premises
- prepare, maintain and implement an Accessibility Plan for disabled pupils
- promote and determine the arrangements, including charges and insurance cover for the wider use of the school in the community

Ownership

20.1. Although Boards of Governors have wide ranging responsibilities for the management of schools, in most cases they do not actually own the premises which they manage. Details of schools' ownership arrangements are set out below.

Controlled Schools

The buildings and land of controlled schools are owned by the Education Authority (EA).

Voluntary Grammar and Voluntary Maintained Schools (including Irish Medium)

Voluntary grammar and maintained schools are in most cases owned by Trustees. For DE to pay capital grants to a voluntary school, the school premises must be 'vested' in the names of Trustees and the Department of Education (DE). This means that the premises cannot be disposed of without the consent of DE.

For Irish Medium schools which have satisfied DE's criteria for long-term viability and become eligible for capital grant-aid, the same arrangements apply.

Grant Maintained Integrated (GMI)

GMI schools which have satisfied DE's criteria for long-term viability, become eligible for capital grant-aid. Their buildings and land are usually owned by the Boards of Governors/Trustees and become vested in the names of the Board of Governors/Trustees and DE, in the same way as other voluntary schools.

Private Finance Initiative (PFI) and Public Private Partnerships (PPP) Projects

20.2. Some schools have been procured through PFI or PPP arrangements and there will be a contract in place governing the relationship between the school and the contractor. PFI and PPP contracts have broadly the following characteristics:

- there will be a long-term service contract between the school authority and the private sector operator
- there will be a Unitary Payment (monthly) from the school authority to the private sector operator
- there will be service delivery and performance standards
- there will be a performance-related payment mechanism
- there will be a Contract Manager who will manage the contract with the private sector operator on behalf of the school authority

Buildings and Grounds Maintenance

20.3. The Boards of Governors of voluntary grammar schools and GMI schools are responsible for all maintenance in respect of their premises (including grounds) and receive funding for both 'landlord' and 'tenant' elements, under the terms of the DE's 'Common Funding Scheme' for Local Management of Schools (paragraph 3.16 refers).

20.4. The Boards of Governors of all other grant-aided schools are responsible, and receive funding, for 'tenant' maintenance only, with 'landlord' maintenance remaining the responsibility of the EA. The distinction between 'landlord' and 'tenant' maintenance is set out in Annex C of DE's 'Common Funding Scheme'. However, it is emphasised that, in some circumstances, neglect of maintenance, which falls within the 'tenant' category, can eventually result in the need for 'landlord' maintenance which would otherwise not be necessary. In such circumstances, the EA reserves the right to charge the cost of 'landlord' repairs to the school's delegated budget.

20.5. Except in the case of voluntary grammar and GMI schools, Boards of Governors do not have any responsibility for the maintenance of school meals accommodation.

Role of the Principal

20.6. The Principal should ensure that the physical condition of the school is satisfactory and inform the governors of the state of the buildings and grounds and enlist their support in requesting maintenance and improvements. In a school procured under PFI/PPP, the Contract Manager will liaise between the Principal and the PPP Operator, and the Principal will update the Board of Governors on these issues.

Scheme of Management

20.7. The scheme of management for the school sets out the duties of the Board of Governors in relation to the school premises. All Boards of Governors should carry out an inspection of the premises and equipment of the school and record its findings, at least once in each school year. The findings should be copied to the trustees and the EA in the case of controlled and voluntary maintained schools. The EA should be notified of

any need for alterations or extensions to the premises of a controlled school and any other proposals for capital works.

Controlled and Voluntary Maintained Schools

20.8. The Board of Governors of a controlled or voluntary maintained school may at any time, submit proposals to the EA relating to any repairs, maintenance or equipment considered necessary for the school, for which the Board of Governors has no delegated responsibility. Also, the Board of Governors may, if authorised by the EA, incur reasonable expenditure on emergency works of repair and maintenance to the school premises for which the Board of Governors has no delegated responsibility.

In carrying out its responsibilities for maintenance of school premises, Boards of Governors are required to comply with the Standing Orders and contracting procedures of the EA.

Schools Procured under PFI and PPP

20.9. It is typical in a PFI or PPP contract for the private sector operator to be contractually responsible for providing building and grounds maintenance. A predetermined unitary charge is made monthly to the private sector contractor for these services, which are both planned and reactive in nature. The contribution by the school authority to the unitary payment is predetermined and subject to review (benchmarking) at predetermined stages.

Inventory of Assets

20.10. Each school should maintain an inventory of equipment, furniture, plant and vehicles, in accordance with any requirements which may be specified by DE or the EA. The inventory should include not only items beyond such value as may be prescribed, but also items which are moveable and attractive for example cameras and DVD players. The inventory should include:

- date of acquisition
- description (including serial numbers)
- cost
- source of funding
- location

Under PFI, the private sector operator will provide an inventory of the assets which it provides. Where assets have been provided by the school, the school will be required to provide an inventory of these items. Such inventories should be kept up to date by the parties involved.

Health and Safety

20.11. The EA and CCMS have certain responsibilities as the employer of staff in controlled and maintained schools. However, Boards of Governors of all schools have a statutory duty to ensure health and safety on premises under their control; this includes, where appropriate, compliance with the directions of the Employing Authority. Individual staff members are liable for any breaches of the Board of Governors' duty caused by them.

Under the Control of Asbestos Regulations (Northern Ireland) 2012, those who manage and maintain the school have a duty to manage asbestos and protect those who use the school from the ill-health risks that exposure to damaged asbestos may cause. Schools are therefore required to have:

- A **Management Survey** which should provide sufficient information to enable the preparation of an Asbestos Register and the production of a plan to manage the risks.
- An **Asbestos Register** which should include a plan of the school and highlight where Asbestos Containing Materials (ACMs) have been found and the condition of any ACMs. This should be monitored and updated.
- A site-specific **asbestos management plan** which outlines how ACMs will be dealt with and the roles/responsibilities of school staff in relation to ACMs.

Further information in relation to asbestos management in schools is available from the Health and Safety Executive website

(<https://www.hseni.gov.uk/publications/hsenileaflet-managing-asbestos-schools-checklist-schools> and <https://www.hseni.gov.uk/publications/managing-asbestos-schools-questions-andanswers>)

20.12. The categories of health and safety provision which Boards of Governors are required to meet from their delegated budgets are:

- purchase and maintenance of equipment, including some firefighting equipment (under PFI, this service is provided by the private sector operator, the cost of which is included in the unitary payment)
- non-structural repairs (under PFI, this service is provided by the private sector operator, the cost of which is included in the unitary payment, however, where damage occurs in the school and is deliberate the school will be required to fund repairs)
- all cleaning

Accessibility Plan

20.13. Boards of Governors have a statutory duty to prepare, maintain and implement an Accessibility Plan, addressing the extent to which disabled pupils can participate in the school's curriculum. The school's physical environment is clearly one of the major factors affecting access to the curriculum. The Accessibility Plan must show how the physical environment is to be improved for the purpose of increasing, within a reasonable time, the extent to which pupils with a disability can take advantage of education and associated services provided by the school. (Paragraph 14 of [chapter 12](#) Guide also refers.) The Board of Governors must keep the plan under review, ensure that it is properly implemented and report annually to parents on the steps they have taken to implement it.

Promoting the Use of the School in the Community

20.14. The school's estate represents a significant public resource which could and should be more widely used by schools themselves and by the local community in

which they are located. There are a range of educational and wider social benefits in encouraging stronger links between schools and the communities they serve. In recognition of the positive influence such involvement can have in helping children and young people to reach their full potential, the Department is committed to promoting greater community use of school premises.

20.15. School Boards of Governors also have an important role in helping communities to value education. School premises (including grounds) are a valuable community facility and schools are actively encouraged to consider making their premises available for wider use where possible. Governors should keep the community well informed about, what they have to offer, not only in terms of education provision, but also regarding the school's sporting, recreational, leisure or other facilities which may be made available for use. This is part of promoting good relations between the school and the wider community.

20.16. Decisions relating to the occasional/sessional use of school premises, including responsibility for setting charges for hire, rest with the Board of Governors. However, where a school is considering granting exclusive use to a third party through a lease/licence arrangement, then this will generally be the responsibility of the Body that owns the school premises.

- For a lease/licence involving a controlled school, it will be the EA who is a party to the legal agreement. The EA will obtain DE consent before entering into a legal agreement with a third party for use of school premises/grounds.
- For maintained (including Irish Medium), VGS and GMI schools, it is the trustees/Body in whom legal title is vested who enters into the agreement with the third party. However, DE's written consent is required before any agreement is signed.

Under PFI/PPP arrangements, the use of the school premises by third parties is by agreement of the school authority and the private sector operator.

Guidance Toolkit

20.17. To assist Principals and Boards of Governors in providing community access to school facilities, the Department has developed guidance, [Community use of School Premises: A Guidance Toolkit for Schools](#), which outlines detailed advice on the practical issues which must be considered when making premises available for wider use as well as highlighting a range of good practice examples and recommended forms/templates that schools will find useful.

Key areas within the Guidance Toolkit include:

- Ownership and Control of School Premises
- Operational Management
- Health and Safety
- Child Protection
- Human Resources
- Finance

20.18. Whilst the Toolkit is a valuable source of help and support, it is recognised that the guidance may not provide answers to all the questions that schools may have regarding community use, therefore it may be necessary to seek further clarification or advice from the EA or other body as appropriate. A list of relevant contacts is included at Appendix 8 of the Toolkit.

Charging

20.19. The Board of Governors cannot use the school's LMS budget to subsidise the hiring of any of its school premises. When establishing a charging structure, it is recommended that schools follow best practice and therefore charge on the basis of full cost recovery i.e., charges levied on third party user groups for the use of school premises or facilities should fully cover any actual costs associated with such use, for example caretaking, cleaning and heating costs, wear and tear, etc.

20.20. Guidelines on charging are available from the EA. All income derived from the use of school premises must be credited to the school's LMS budget. For further information on charges, or other financial, legal or insurance requirements relating to the hire of school premises, refer to the above [Guidance Toolkit](#) or seek advice from the EA or other body as appropriate.

Insurance

20.21. Boards of Governors should ensure that all insurances are affected and maintained, as are necessary to safeguard the school and its governors against all public liability and against the consequences of negligence on the part of any person employed by the Board of Governors or any defect in the buildings, premises, furnishings or equipment of the school whereby death, injury, loss or damage might result to any person in or upon the school premises.

20.22. Under existing arrangements, controlled schools have been covered by the selfinsurance arrangement of the EA in respect of premises and equipment. In the case of maintained schools, the EA meets the costs of commercial premiums required to insure premises and equipment. For both controlled and maintained schools, premiums for public and employer's liability have been met by the EA. In the case of a school procured through PFI, insurance liabilities of the school authorities and that of the private sector partner are set out in the contract. Voluntary grammar and GMI schools meet all insurance costs from their delegated budget allocation, which contains an allowance for this purpose.

20.23. In the case of all schools, it is the responsibility of the Board of Governors to ensure that any vehicles owned by the school are fully insured. There are rare occasions when personal injury may occur in circumstances where there is no legal redress; for example, in the case of sporting accidents where there is not negligence on the part of the school staff involved. Boards of Governors may wish to advise parents to arrange appropriate cover for their own children, if they believe it is desirable.

Capital Development Works

20.24. The EA is responsible for undertaking condition and suitability surveys for the whole schools' estate, taking account of the guidance provided or approved by DE.

The outcomes of these surveys are recorded on the EA's Estate Management System and will be used by DE to determine capital investment priorities.

20.25. Where a school has been announced to advance in design under the Department's Major Works or School Enhancement Programmes, the Chair of Governors will play a key role in the Project Board established for the project.

The Law

Primary Legislation

Education Reform (NI) Order 1989 – Article 139 (*community schools – co-opted governors*)

Education Reform (NI) Order 1989 – Article 140 (*Community Use of Schools*)

Education (NI) Order 1996 – Articles 4-9 (*Accessibility Plans*)

Education (NI) Order 1998 – Article 7 (*Charges for Educational facilities and Services*)

Education (NI) Order 2005 – Article 18 (*Accessibility Plans*)

Health and Safety at Work (NI) Order 1978 – Article 6(2) (*breaches of duty by staff members*)

Special Educational Needs and Disability (NI) Order 2005 (*Accessibility Plans*)

Secondary Legislation

The Control of Asbestos Regulations (Northern Ireland) 2012 (S.R. 2012 No. 179) – Regulation 4 (*Duty to Manage Asbestos in non-domestic premises*)

Guidance

DE's 'Common Funding Scheme' for Local Management of Schools (paragraph 3.16 refers).

<https://www.education-ni.gov.uk/articles/common-funding>

Community Use of School Premises: A Guidance Toolkit for Schools

https://www.education-ni.gov.uk/sites/default/files/publications/de/community-use-of-school-premises-a-guidance-toolkit_0.pdf

21. School Publications

This chapter identifies the information which the Board of Governors is required to publish in respect of a grant-aided school.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that the school meets the statutory requirements in relation to the publication of information.

21.1. The Board of Governors of a grant-aided school (other than a school established in a hospital) is required by law to publish:

- an annual school prospectus
- an annual Board of Governors' Report

The Board of Governors may delegate the work of compiling the information to a committee or to the school Principal.

21.2. The Education Authority (EA) may, with the agreement of the Board of Governors, publish on behalf of the Board of Governors, prescribed particulars or information relating to the school. Information about the school and other schools is included each year in the booklets published for parents by the EA, about the arrangements for the admission of pupils to schools. Information is provided annually by the Board of Governors to the EA and may not be altered except with the agreement of the Board of Governors.

21.3. The Board of Governors must make available at the school, copies of the following information for reference by any person, at all reasonable times during a school day and for distribution without charge to parents on request:

- the times at which the school day begins and end;
- the dates of the school terms and half-term holidays for the current school year
- particulars of the charging and remission policies determined by the Board of Governors (the EA is also under a requirement to make its charges and remissions policy available at the school)
- particulars of any capital charge made by a voluntary grammar school in the current school year; particulars of any tuition fee charged by a Group B voluntary grammar school in the current school year

Where any significant change is to be made in this information, 3 months advance notice must be given to parents of the change and when it is to take effect.

21.4. The Board of Governors must ensure that the Principal and each teacher on the staff on the school have a copy of its written curriculum policy statement and the school development plan. The Principal must make available to any person on request or for inspection at all reasonable times, the following documents or any documents containing the following information:

- the curriculum policy statement
- the school development plan

- any statutory instrument, document or memorandum or DE circular about the statutory curriculum
- any ETI report published about the school
- any course of study followed by pupils at the school
- particulars of how to make a statutory complaint about the curriculum

The Principal must provide on request a copy of the written curriculum policy statement or the Annual Report of the Board of Governors and may provide a copy of the other documents listed above, including an ETI Report but not a copyright document other than an ETI Report. A charge, not exceeding the cost of production, may be made for these documents, other than the Annual Report of the Board of Governors and the School Development Plan.

School Prospectus

21.5. The school prospectus must include:

- in the case of a school other than a nursery school, the information listed in Schedule 3 to the Education (School Information and Prospectuses) Regulations (NI) 2003
- in the case of any other school, the information listed in Schedule 4 to the Education (School Information and Prospectuses) Regulations (NI) 2003
- such other information, if any, as the Board of Governors thinks fit

The Regulations set out the minimum requirements for a prospectus and schools are free to include additional explanatory, contextual or descriptive information about their provision or performance as they wish.

21.6. The information in Schedules 3 and 4 relating to a school year must be published in advance of that year and not later than 6 weeks before the date by which parents must express a preference for a school.

21.7. Copies of the prospectus must be available at the school free of charge for distribution to parents on request and for reference by anyone else. In the case of a Special School, the prospectus must also be available from the EA on the same basis.

The Board of Governors' Annual Report

21.8. The Annual Report of the Board of Governors must contain:

- a summary of the steps taken by the Board of Governors in the discharge of its functions during the period since its last Report
- such other information as the Scheme of Management of the school may require

21.9. The Annual Report is required to:

- be as brief as is reasonably consistent with the requirements below
- give the name and membership category of each school governor
- give the date on which the term of office of each member (other than the Principal) comes to an end
- name the Chairperson and Secretary of the Board of Governors

- provide information about arrangements for the next election of parents to the Board of Governors
- contain a financial statement:
- reproducing or summarising any financial statement furnished to the Board of Governors by the EA or DE
- indicating how any grants or financial allocation to the Board of Governors in the period of the report were used
- giving details of the application of any gifts or bequests made to the school in that period
- describe the arrangements made for the security of the pupils and staff and the school premises and any changes since the last Report
- describe the steps taken to develop links with the community
- describe the arrangements & facilities for pupils with special educational needs (SEN), ensuring that they are treated no less favourably than other pupils
- describe the steps taken to secure the implementation of the SEN policies
- provide information as to the facilities provided to assist access to the school for pupils with a physical disability and the Accessibility Plan for the school
- give such information on the curriculum and educational provision and educational achievements as is required to be made available in the annual report in accordance with Regulation 10 of the Education (School Information and Prospectuses) Regulations (NI) 2003

Further detail about the contents of the Annual Report is in the scheme of management approved by DE for the school and DE Circular 2003/15 listed under the Guidance section below.

21.10. The Board of Governors may produce its Report in such language or languages (in addition to English) as it considers appropriate.

21.11. The Board of Governors must take such steps as are reasonably practical to secure that:

- the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of its Report
- copies of the Report are available for inspection (at all reasonable times and free of charge) at the school

A copy of the report must also be provided to the EA.

Information Published by the Education Authority

21.12. The EA is required, for each school year, to publish at such time and in such a manner as the Department of Education (DE) may direct, particulars of:

- the arrangements made for the parents of a child to

- express their order of preferences as to the school at which they wish education to be provided for their child
 - give reasons for this preference
 - the arrangements for the parents of a child to appeal against any decision by the Board of Governors of a grant-aided primary or post-primary school refusing the child admission to the school
 - the arrangements for the admission of children to grant-aided schools which include particulars of
 - the school's enrolment number
 - the school's admissions number
 - the respective functions of the Board of Governors and Principal in relation to admissions to the school
 - the criteria to be applied in selecting children for admission to the school
- Further detail about the information required to be published by the EA is contained in the Education (School Information and Prospectuses) Regulations (NI) 2003.

The Law

Primary Legislation

Education (NI) Order 1997 – Article 17 *Admissions to primary and post-primary schools (Information as to schools and admission arrangements)*

Education (NI) Order 1998 – Article 15 *(Contents of Annual Report of Board of Governors)*

Education (NI) Order 1998 – Article 33 *Pre-School Education at Grant-aided Schools (Information as to schools and admission arrangements)*

Education Reform (NI) Order 1989 – Article 125 *(Annual Report of Board of Governors)*

Subordinate Legislation

Education (School Information and Prospectuses) Regulations (NI) 2003 SR 378 *(Explains the information to be published by a School and the EA)* These Regulations will be updated to take account of the changes in the curriculum.

Guidance

DE Circular 2003/15: Education (School Information and Prospectuses) Regulations (NI) 2003

<https://www.education-ni.gov.uk/publications/circular-200315-education-regulations2003>

Community Use of School Premises: A Guidance Toolkit for Schools

https://www.education-ni.gov.uk/sites/default/files/publications/de/community-use-of-school-premises-a-guidance-toolkit_0.pdf

22. School Records, Handling Personal Data and Information and Data Sharing

This chapter describes the role and responsibilities of the Board of Governors in terms of the keeping, maintaining and transfer of pupil records. It also includes the requirements of the Data Protection and Freedom of Information legislation relating to the handling of requests from members of staff, pupils, parents and the general public for information held by a grant-aided school.

The Role of the Board of Governors

The role of the Board of Governors is to ensure that the arrangements operated by the school for the retention, management and release of public records comply with statutory requirements.

22.1. Record keeping and the storage of information are important functions of both the administration and teaching staff of a school. School records include those pertaining to personal details of pupils, along with those of their academic performance; assessments and examination results; school policies; minutes of school-based meetings; including information received from the Department of Education (DE) and other education bodies, solicitors, press organisations and public bodies.

Record Keeping

22.2. Each school has a responsibility to maintain its own records and record keeping systems. Although schools will have their own methods of creating and keeping records and sharing information with staff, students, parents, education bodies and the general public, they should be aware that, in doing so, they need to take account of matters such as:

- the most efficient and effective way of storing records and information i.e., paper or electronic forms;
- the confidential nature and sensitivity of the records and information stored;
- the security of the record system(s) used;
- privacy and disclosure;
- their accessibility and to whom they are accessible.

Records Management

22.3. In reviewing their management of records, schools should consider:

- carrying out an information audit to identify the nature and scope of the information currently held by them;
- ensuring that information is easily accessible to those who need access to it;
- adopting a Records Management Policy on the management of records;

- reviewing and implementing the disposal of information that is no longer required, by adopting a Disposal of Records Schedule.

22.4. Boards of Governors should be aware that each grant-aided school should have a Disposal of Records Schedule. A model 'Disposal of Records Schedule' has been approved for use by all schools in Northern Ireland, available at this link: <https://www.education-ni.gov.uk/publications/disposal-records-schedule>

The school Principal is responsible for ensuring that records and information systems conform to the agreed management policy of the school.

Pupil Records

Legal Requirements

22.5. Article 24 of the Education (NI) Order 2006 and the Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007, set out the requirement for Boards of Governors to make arrangements for pupil records to be transferred, when a pupil transfers to another school.

22.6. The school Principal is responsible for ensuring that records and information systems conform to the agreed management policy of the school.

22.7. As public authorities, schools in Northern Ireland are subject to the Public Records Act (Northern Ireland) 1923 and the Disposal of Documents Order 1925. Under the terms of this legislation, they are obliged to present to the Public Record Office of Northern Ireland (PRONI) records, which are of significant public or historic interest. The point of transfer for these records is by the time the records reach 20 years of age, or earlier if agreed with PRONI. The current Disposal of Records Schedule for Schools identifies the following categories of record which must be presented to PRONI:

Ref	Record
1.2	<i>BOG Meetings Minutes</i>
1.3	<i>Senior Management Team - Meeting Minutes</i>
1.12	<i>Annual Report</i>
3.2	<i>Pupil Attendance Information/Registers</i>

PRONI has indicated that School Development Plans are no longer under consideration, so these records may be disposed of, without being presented to them, so long as they have reached the minimum retention period of ten years from the date the plan ended. PRONI may be contacted, for further information or advice, at RecordsManagement@communities-ni.gov.uk

Pupil Records

Legal Requirements

22.8. Article 24 of the Education (NI) Order 2006 and the Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007, set out the requirement for Boards of

Governors to make arrangements for pupil records to be transferred, when a pupil transfers to another school

Arrangements relating to the transfer of pupil information when leaving a school

22.9. Schools keep a formative record of progress and achievement for each pupil. The new regulations will build on the provisions currently set out in the Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007.

22.10. The current requirements are for Boards of Governors to make arrangements to transfer a formal record of a pupil's academic achievements and progress, as well as their other skills and abilities, within 15 school days of a pupil transferring schools. This information should be transferred to the Principal or Board of Governors of a school to which a pupil transfers. If a pupil transfers to an independent school, the information should be transferred to the Principal or proprietor.

22.11. If the Principal or Board of Governors of a school (or proprietor of an independent school) to which a pupil transfers, requests the disclosure or transfer of any other educational records kept by the school, these should be provided, again within 15 school days and a copy should also be provided to the pupil's parent. Any information requested by a parent relating to their child's formative record of progress and achievement, should be provided free of charge or, if the Board of Governors determines, for a fee which does not exceed the cost of supply.

22.12. Boards of Governors are required to keep a statement of the arrangements relating to the transfer of pupil records, when a pupil transfers to another school. The arrangements need to provide for the parent, pupil, or the Principal or Board of Governors of a school (or proprietor of an independent school) to which a pupil is transferring, to appeal any decision refusing disclosure or transfer of information. Boards of Governors need to ensure, that in exercising their responsibilities, arrangements are **not** made for the disclosure, supply of copies, or transfer of any documents which are the subject of an order, under Schedule 3, Part 4, Education Data – Education Records of the Data Protection Act 2018.

Access Requests for Information Using Legislation

22.13. Boards of Governors in all grant-aided schools have statutory duties under the Data Protection and Freedom of Information legislation when dealing with requests for information from members of staff, pupils, parents and the general public.

Data Protection

22.14. The UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 (DPA) provide a legal framework for all organisations, including schools, to safely and securely process and store the personal data needed to carry out their functions.

Lawful basis to process personal data

22.15. Under this data protection regime, all organisations, including schools, must have a clear lawful basis to process personal data. In the case of schools, their lawful basis is Public Task (UK GDPR Article 6(e)), with their functions, determined by the education legislative framework, in which they operate.

What is personal data?

22.16. Personal data only includes information relating to natural persons who:

- can be identified or who are identifiable, directly from the information in question; or
- who can be indirectly identified from that information in combination with other information.

The UK GDPR provides a non-exhaustive list of identifiers, including:

- name;
- identification number;
- location data; and
- an online identifier;
- 'Online identifiers' includes IP addresses and cookie identifiers which may be personal data;
- Other factors can identify an individual.

Detailed guidance about personal data is available on the ICO website:

[What is personal data? | ICO](#)

Special Category Data

22.17. Personal data may also include special categories of personal data or criminal conviction and offences data. These are considered to be more sensitive, and you may only process them in more limited circumstances and only if special conditions apply.

- In order to lawfully process special category data, you must identify both a lawful basis under Article 6 of the UK GDPR and a separate condition for processing under Article 9. These do not have to be linked.
- There are 10 conditions for processing special category data in Article 9 of the UK GDPR.
- Five of these require you to meet additional conditions and safeguards set out in UK law, in Schedule 1 of the DPA 2018

The UK GDPR defines special category data as:

- personal data revealing racial or ethnic origin;

- personal data revealing political opinions;
- personal data revealing religious or philosophical beliefs;
- personal data revealing trade union membership;
- genetic data;
- biometric data (where used for identification purposes);
- data concerning health;
- data concerning a person's sex life; and
- data concerning a person's sexual orientation.

Detailed guidance about special category data is available on the ICO website: [Special category data | ICO](#)

What is not Personal data?

22.18. Pseudonymised data can help reduce privacy risks by making it more difficult to identify individuals, but it is still personal data.

If personal data can be truly anonymised, then the anonymised data is not subject to the UK GDPR.

'Business' information about schools is not personal data and is not subject to the UK GDPR but may be disclosable under Freedom of Information legislation.

What is a Data Controller?

22.19. Data Controllers are the main decision-makers – they exercise overall control over the purposes and means of the processing of personal data.

Schools and their Boards of Governors are regarded as Data Controllers under data protection legislation and are therefore responsible for ensuring that the processing of the personal data of data subjects (pupils, parents, staff etc), complies with the requirements of the legislation and data protection principles.

The UK GDPR sets out six key principles for personal data processing:

22.20. Personal data must be:

- a) Processed lawfully, fairly and in a transparent manner;
- b) Collected for specified, explicit and legitimate purposes;
- c) Adequate, relevant and limited to what is necessary;
- d) Accurate and where necessary kept up to date;
- e) Kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which those data are processed;
- f) Processed in a manner that ensures appropriate security of the personal data.

Additionally, the UK GDPR expects Data Controllers to be able to demonstrate compliance with the above principles. This is usually referred to as Accountability.

Further guidance about the responsibilities of Data Controllers is available on the ICO website at: [Controllers and processors | ICO](#)

Data Subjects – Individual Rights

22.21. The UK GDPR provides the following rights for individuals:

1. The right to be informed;
2. The right of access;
3. The right to rectification;
4. The right to erasure;
5. The right to restrict processing;
6. The right to data portability;
7. The right to object;
8. Rights in relation to automated decision making and profiling.

Further guidance about the Individual Rights of Data Subjects is available on the ICO website at: [Individual rights | ICO](#)

Subject Access Requests (Requests for personal information)

22.22. The UK GDPR gives individuals such as members of staff, pupils and parents to find out what personal information is held about them in paper or electronic form.

Requests for access to personal data from verified data subjects (subject to satisfactory identity checks) must be responded to within a calendar month.

However, in certain circumstances, personal information may be withheld when the information is covered by an exemption in the UK GDPR. Guidance about when an exemption may apply can be found on the ICO website at: <https://ico.org.uk/fororganisations/guide-to-the-general-data-protection-regulation-gdpr/exemptions/>

Pupils

22.23. Children have the same rights as adults over their personal data which they can exercise as long as they are competent to do so.

Pupils must make a written request. The pupil is not required to be of any particular age, but the school should take account of the ICO guidance regarding age of children and if the child properly understands what is involved in making the request and the type of information they will receive and whether the child has asked the parent to act on their behalf.

Although not set in legislation, the ICO recognises 13 as a reasonable age for many children to have the maturity and understanding to ask for their own personal data. However, there will always be exceptions to this.

Parents

22.24. For younger pupils or where a child is not considered to be competent, an adult with parental responsibility may usually exercise the child's data protection rights on their behalf.

Someone with parental responsibility can ask for the information on the child's behalf and receive a response but again the school should take account of the ICO guidance on responding to such requests. Parents will only be able to see all the information about their child when the child is unable to act on their own behalf or gives their consent.

A pupil's information must only be released to a parent or guardian, where doing so, is in the best interests of the child and no serious harm to the child will come from doing so.

Particular care should be taken where parents are estranged, and circumstances may make it inappropriate for a child's personal data to be provided to one parent or another.

For example, a Court order may be in place to restrict access to a child's personal data to a particular parent.

A parent's (guardian) right to their child's education records (exempt from UK GDPR provisions)

22.25. However, the DPA 2018 exempts pupils' education records from UK GDPR provisions, consequently, giving parents/guardians the right to a copy of their own child's educational records, which include a formal record of a pupil's academic achievements, other skills, talents and achievements and educational progress and other records, defined in the Schedule 3 Part 4 of the DPA.

Further guidance on Children and the UK GDPR Consent is available on the ICO website at: [Children and the UK GDPR | ICO](#)

22.26. Where a person believes that they have been prevented from seeing or acquiring information to which they are entitled, they can complain to the ICO.

Further guidance on how individuals can make a complaint to the ICO is available on the ICO website at [Make a complaint | ICO](#)

Data Protection Officer

22.27. One of the main requirements under UK GDPR, is a duty for all public authorities, including schools, to appoint a Data Protection Officer (DPO). DPOs assist public

authorities to monitor internal compliance, inform and advise on data protection obligations and can act as a contact point for data subjects and the ICO.

As this is likely to be impractical for most schools, the Education Authority provides a DPO service to all schools, who opt to avail of it.

The Education Authority also provides a range of guidance and tools for all schools to help them comply with the requirements of the UK GDPR. These can be found on an online resource hub at:

<http://www.eani.org.uk/about-us/ea-think-data-online-resource-hub/>

Data Protection Fee

22.28. Under the UK GDPR, organisations that determine the purpose for which personal data is processed (data controllers) must pay the ICO a data protection fee, unless they are exempt. Further details about paying the fee can found on the ICO website at: [Data protection fee | ICO](#)

These fees fund the ICO's data protection work, which includes its work under the UK GDPR and the Data Protection Act 2018.

ICO – UK Data Protection Regulator

22.29. As the UK's Regulator for Data Protection, the ICO can take a range of actions to ensure organisations meet their information rights obligations, by providing advice and instruction to help organisations get it right in the future or where a clear and serious breach of the legislation has taken place, by issuing an enforcement notice or serving a monetary penalty.

The Freedom of Information Act 2000

22.30. In the context of schools, the Freedom of Information Act 2000 (FOIA) deals with access to information and provides individuals or organisations with the right to request such information such as minutes of BoG meetings, school policies and other types of non-personal information. Requests for personal data should be responded to under the requirements of the data protection legislative regime.

Requests for information not routinely published by a School

22.31. The public has the right to request information held by a school which has not already been made available through its Publication Scheme. Requests for information must:

- be made in writing or by email;
- include the name and address (if in writing) of the applicant; and
- describe the information requested.

Schools must tell the applicant whether it holds the information requested and normally provide it in the format requested as promptly as possible within 20 school days. Please note that the FOIA 20 day "clock" is suspended during school holiday periods.

FOIA: withholding requested information

22.32. In certain circumstances, requested information can be withheld from disclosure under FOIA.

For instance, schools do not have to confirm or deny the existence of information requested or provide it if they can demonstrate that:

- the request is vexatious or similar to a previous request; or
- the cost of compliance exceeds an appropriate limit,
- or schools may withhold information, if an appropriate FOIA exemption applies.

22.33. If a school withholds information requested it will usually be required to explain to the applicant why they are not releasing the information, by citing the appropriate exemption and considering the public interest test, where applicable. This is called a Decision Notice.

Whether releasing information or not, in their decision notices (normally issued by the Principal), schools should provide the contact details of an independent decision maker, to allow an applicant to seek an internal review of the decision, if they so desire.

In a school, that person could be the chairperson of the BoG for example, who will notify the applicant of their secondary findings promptly, but normally not later than 20 working days.

A school decision notice, should also advise the applicant that, if they are not satisfied with how their request was handled or the outcome of an Internal Review, then they have the right to complain to: The Information Commissioner

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

- the Information Commissioner Office (ICO) ○ telephone 0303 123 1114 ○ email: ni@ico.gsi.gov.uk ○ website <https://ico.org.uk/>
- the ICO NI Regional Office: 028 90 278757

Publication Scheme

22.34. The FOIA requires all public authorities, including schools to have a Publication Scheme in place, normally published on an organisation's website. A Publication Scheme must set out a public authority's commitment to make certain classes of information routinely available, such as policies and procedures, minutes of meetings, annual reports and financial information.

A Publication Scheme is a transparent guide to the information which a school has committed itself to publishing and schools must publish information in accordance with its scheme, which should be reviewed from time-to-time.

Where an FOIA requester asks for information already available to the public on a school's website, a school's response can be to direct the applicant to where the information is already published.

Schools are free to publish information over and above that described in the model scheme.

A model Publication Scheme for schools and guidance can be accessed on the ICO website at: <https://ico.org.uk/media/for-organisations/documents/definition-documents2021/4018893/dd-schools-ni-20211029.pdf>

Environmental Information Regulations 2004 (EIR)

22.35. EIR provide public access to environmental information held by public authorities.

The Regulations do this in two ways:

- public authorities must make environmental information available proactively;
- members of the public are entitled to request environmental information from public authorities.

The Regulations cover any recorded information held by public authorities in Northern Ireland.

Further guidance on the EIR is available on the ICO website at: <https://ico.org.uk/fororganisations/guide-to-the-environmental-information-regulations/>

Data Sharing between Boards of Governors and the Department

22.36. The guidance below sets out the requirements when sharing a data subject's personal data between DE and BoGs for those individual's applying ("applicant") to become a DE representative school governor. BoGs should take notice of this guidance when handling an individual's personal data received from the Department.

- I. In carrying out its statutory functions under the Education Orders to nominate or appoint school governors to the BoGs (where applicable), the Department may share with BoGs the personal data of those applicants:
 - (a) under consideration for nomination / appointment;
 - (b) selected for nomination / appointment; or (c) currently serving as a school governor.
- II. The personal data shared can include:
 - (a) applicant's name;
 - (b) applicant's address;
 - (c) applicant's e-mail address;
 - (d) applicant's contact details;

- (e) details of the applicants' skills, experience and knowledge,
 - (f) name of school being nominated to,
 - (g) I.D. documents as part of the AccessNI Basic Disclosure Check.
- III. BoGs and the Department will ensure that any information shared as defined in point (II) will only be used for the purpose for the appointment of school governors and associated probity checks.
- IV. BoGs must ensure that personal data is processed in compliance with the data protection principles set out in Article 5 of the UK General Data Protection Regulation (UK GDPR) and set out at paragraph 2.18 above.
- V. BoGs should ensure access to such shared personal data should only be given to a person where there is a legal right, in order to perform their duties in connection with the delivery of the prescribed functions in point above.
- VI. Before sharing personal data, the party providing the information shall ensure it is accurate and up to date, according to the personal information supplied by individuals at the time of application or nomination. Particular care will be taken with special category (sensitive) data where inaccuracies or inappropriate sharing could cause harm or distress to data subjects. Special category data is defined in Article 9 of the UK GDPR and set out at paragraph 2.15 above.
- VII. Both parties should ensure that all shared personal data is transferred securely by appropriate means and to the intended recipient.
- VIII. Neither party will release any shared personal or special category personal data to any third party without a legitimate reason and in compliance with relevant data protection legislation (UK GDPR and Data Protection Act 2018) for doing so.
- IX. BoGs must ensure that it has in place appropriate technical and organisational measures to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, shared personal data.
- X. Requests for access to personal data (Subject Access Requests (SAR)) shared and processed in line with this guidance will be dealt with under the data protection legislation, at point 8 above. Requests for other information will be dealt with under the Freedom of Information Act 2000 or Environmental Information Regulations 2004, whichever is applicable to the request.
- XI. The party to whom a request for information shared in line with this guidance is received, will process it and consult with the other party. Both parties shall cooperate in the handling and processing of such requests in accordance with the relevant legislation.
- XII. All parties are individually responsible for retaining, reviewing, deleting or safely destroying the information when it is no longer required in line with their own

policies, which should meet the requirements of data protection legislation, at point 8 above.

- XIII. In the event of any data breach occurring as a result of this data sharing, all parties shall co-operate to investigate the cause and mitigate the effect and impact on the rights and freedoms of effected data subjects and consider whether the breach should be reported to the ICO and/or data subjects directly, within 72 hours of the breach being identified. **Legislation and Guidance**

22.37. Further guidance on Data Protection, FOI, retention, management and release of public records is available at:

[Legislation we cover | ICO](#)
[The Public Records Act \(NI\), 1923 | nidirect](#)

Further information can be found by contacting DE's Information Management Team via email at:

- Data protection: dataprotection@education-ni.gov.uk
- FOI/Records Management: deRecordsNI@education-ni.gov.uk

23. Shared Education

This chapter explains the purpose, benefits and definition of Shared Education and outlines the longer-term vision for its further advancement.

For those schools participating in Shared Education, it outlines the role of Boards of Governors in supporting the effective delivery and promotion of Shared Education within their school, across the Shared Education partnership, and within the wider community, as well as what help, and support is available.

For those schools not yet engaged in Shared Education, Boards of Governors are strongly encouraged to consider doing so in order to realise the full range of benefits associated with such collaboration. Contact details are provided at the end of this section for further information on how to become involved.

What is Shared Education?

23.1. Shared Education provides vital opportunities for schools and other educational settings to work together in partnership and enable children and young people to mix, learn and socialise with peers across religious and socio-economic divides. The purpose of Shared Education is to deliver educational benefits to children and young people, to promote efficient and effective use of resources, to promote equality of opportunity, and to promote good relations and respect for identity, diversity and community cohesion.

Benefits and Impact of Shared Education

23.2. A wide range of survey data, research and evaluative evidence points to the educational, social and economic benefits of working and learning together through Shared Education and the positive impact that such collaboration is having upon

children and young people, families, communities and the schools/settings which serve them. This includes:

- Enhanced learning and skills development opportunities in a shared environment (e.g., shared classes, projects etc);
- Access to wider range of activities, subjects and enriched curriculum experience;
- Promotion of equality of opportunity;
- Increased confidence and social skills, developing friendships and improved attitudes towards others;
- Greater mutual understanding and respect for identity and diversity;
- Greater synergies and relationships between schools and other educational settings (e.g., joint planning days, training etc);
- Ongoing development and updating of enhanced curriculum content and related supporting resources;
- More effective and efficient use of resources including physical infrastructure, equipment and a range of teaching materials;
- Improved pastoral and educational outcomes for children and young people;
- Sharing of ideas and good practice between education providers;
- Collaboration, innovation and creativity;
- Enhanced leadership and teacher/practitioner professional development opportunities such as training, mentoring and peer support networks;
- Opportunities to involve, and strengthen links with and between, parents, families and the wider community;
- Enhanced parental engagement; and
- Building positive relations, aiding community cohesion and contributing to peace and reconciliation across wider society.

23.3. Further exploration of the progress made in advancing Shared Education over recent years can be found in the latest [Report to the Assembly](#) which the Department of Education lays on a biennial basis. The report also addresses levels of participation, and the extent to which the purpose of Shared Education has been achieved.

23.4. In undertaking the responsibility to provide the best possible education and educational opportunities for all pupils, Boards of Governors should give careful consideration to the benefits of Shared Education and are encouraged to explore the potential for participation, where this is not already the case, taking cognisance of ongoing efforts to “mainstream” such provision (subsequent paragraphs 24.11-24.14 refer). See also paragraph 24.29.

23.5. Shared Education partnerships can be at different stages with regard to the development of Shared Education; some may only be starting their journey while others have significant experience of providing high quality Shared Education for their pupils over many years.

Shared Education Legislation and Policy

23.6. Shared Education is defined in legislation ([Shared Education Act \(NI\) 2016](#)) as the education together of:

- (a) those of different religious belief, including reasonable numbers of both Protestant and Roman Catholic children or young persons; and

(b) those who are experiencing socio-economic deprivation and those who are not,

which is secured by the working together and co-operation of two or more relevant providers.

23.7. There are statutory requirements on the Department of Education and the Education Authority to ‘encourage, facilitate and promote’ Shared Education, including a duty to consider Shared Education when developing, adopting, implementing or revising policies, strategies and plans; and designing and delivering public services. Powers to ‘encourage and facilitate’ Shared Education have also been provided to other arms-length bodies and sectoral support organisations.

23.8. The Education Authority, working with CCMS and other sectoral support bodies, leads on the development of Shared Education in line with its statutory responsibilities.

23.9. There are no statutory requirements placed on a school in relation to Shared Education. However, the Department of Education’s [“Sharing Works”](#) policy (2015) provides a practical description of how Shared Education should work, including encouraging schools to progress beyond the core minimum requirements for Shared Education, as set out in 2016 Shared Education Act, to address the needs of all groups defined in [Section 75 of the 1998 Northern Ireland Act](#). Please also see [Chapter 5](#) of this guide.

23.10. Together, the Shared Education Act and *Sharing Works* policy provide a framework for Shared Education. Board of Governors should ensure they are familiar with *Sharing Works*.

Mainstreaming Shared Education

23.11. In light of the many benefits and assessed impact of Shared Education provision, the Department of Education is committed to providing every child and young person with the opportunity to participate in Shared Education and to embedding sharing throughout the NI education system.

23.12. To that end, the Department is working towards the goal of “mainstreaming” Shared Education working closely with a range of partner organisations and stakeholders. Information on the Mainstreaming Shared Education Strategy is available on the Department’s [Shared Education webpage](#).

23.13. The long-term Mainstreaming Strategy is envisaged as a vehicle for ensuring that Shared Education becomes the ‘norm’ and accepted practice for all, challenges any perceptions of such provision being an ‘add on’, and reaffirms the aim that collaboration should be a core function of any school or other educational setting.

23.14. Implementation of the Mainstreaming Strategy, introduced in the 2022/23 academic year, is being taken forward on a phased basis.

Role of Boards of Governors

23.15. It is recognised that Boards of Governors, along with senior leadership teams, are pivotal both to the operation of local Shared Education partnerships and successful

implementation of mainstreaming, helping to ensure that Shared Education, as a concept, is fully embedded right across our education system and society as a whole.

23.16. As far as possible, Boards of Governors should seek to create and sustain a learning environment which places sharing and a culture of respect for difference at the heart of the identity, ethos and working practices of the school. This role of the Board of Governors in setting the strategic direction and establishing the ethos of the school is further outlined in [Chapter 3](#) of this guide. [Chapter 5](#) also provides useful information with regard to the promotion of equality, good relations and diversity.

23.17. A key part of these efforts involves not only maximising potential opportunities for children and young people to learn with (and about) peers from different backgrounds, but also in adopting a whole school approach, thereby seeking to encourage, empower and enable all staff across both the individual school and partnership to understand, and be involved in the delivery/support of Shared Education.

23.18. The example of schools and other settings working together sets the tone for collaboration and good relations that others in the community can follow. Board of Governors are strongly encouraged, through a process of communication and engagement with parents, families and community members, to help place Shared Education partnerships at the centre of the community, by raising awareness, promoting the benefits and values of Shared Education and celebrating success, so that its impact can be felt far beyond the school gates. In the most effective practice, partnerships are closely connected to and supported by other individuals, groups and agencies within their local and wider community to enhance the delivery of Shared Education.

23.19. Boards of Governors are also encouraged to consider how available space, facilities and infrastructure can be best used across partnership settings to deliver effective Shared Education which embraces wider community networks, in line with any related guidance and protocols which may apply. Further information with regard to promoting the use of the school in the community, including a guidance toolkit for schools, can be found at [Chapter 5](#) and [Chapter 21](#) of this guide.

Shared Education governance

23.20. The Education and Training Inspectorate's "[Developing Shared Education - A Framework for School Partnerships](#)" is available for Shared Education partnerships to use which provides a means to self-assess the extent and quality of Shared Education provision and plan for further development. The framework itself reflects the characteristics of effective performance as set out in the overarching policy for school improvement "[Every School a Good School](#)". Equivalent Shared Education resources are also available applicable to both the [early years](#) and [youth](#) sectors.

23.21. As part of an overall responsibility for good governance, Boards of Governors of schools involved in a Shared Education partnership must ensure that Shared Education is embedded within School Development Plans, reflected accordingly in the strategic priorities, targets, and actions outlined. This is a clear demonstration of commitment and support by Boards of Governors and leaders of schools involved in a Shared Education partnership to identify areas of common need and to address improvement on a collaborative basis.

23.22. To assist with effective monitoring and evaluation, Boards of Governors should also ensure that relevant data and evidence is captured and shared in line with relevant

programme requirements in order to help establish the quality and impact of Shared Education provision.

23.23. Your school may be involved in the delivery of programmes closely tied to the aims of Shared Education, for example, Together: Building a United Community (T:BUC) camps or Good Relations programmes. Where appropriate, linkages between such provision and Shared Education should be established within School Development Planning processes including consideration of how they each contribute to associated SDP outcomes.

23.24. It is important to note that other forms of collaboration which schools may be involved in (e.g., ALCs or Extended Schools) should complement, but not duplicate, Shared Education activities, and should be reported on and accounted for separately.

23.25. This Shared Education governance section links closely with further guidance, available at both [Chapter 3](#) and [Chapter 6](#), with regard to School Development Planning, monitoring and evaluating school performance, and promoting self-evaluation as a means to achieve school improvement.

Help and Support

23.26. A key consideration moving forward is to ensure that those involved in delivering or supporting Shared Education have the necessary knowledge and skills to do so. A range of guidance, support and professional development opportunities are available to enhance the planning, delivery and evaluation of Shared Education and schools are encouraged to avail of this where possible to build the capacity of staff, including related training specifically designed for Boards of Governors.

23.27. The Education Authority, for instance, has developed a [Shared Education Hub](#) to assist Shared Education partnerships, and which governors may find helpful. The Hub is a centralised online resource which brings together comprehensive information to help promote cross-sectoral partnership working, develop an understanding of Shared Education and to build the capacity of the school system to deliver highly effective Shared Education. It includes case studies and examples of good practice, access to resources, captures the voice of pupils, practitioners and parents, and offers support for leaders and teachers incorporating a suite of Teacher Professional Learning (TPL) modules.

23.28. Developed collaboratively across a number of educational stakeholder bodies, the [Pupil Pathway](#) is another important Shared Education resource for use by teachers which should also be encouraged by Boards of Governors where applicable. Further information on this and other curricular support is available at [Chapter 7](#).

23.29. The Education Authority has a dedicated team of officers offering ongoing support to schools with regard to Shared Education including those schools which have not yet had the opportunity to participate in relevant structures. Contact details can be found below should you wish to find out more.

Further information on Shared Education is available on the [Department of Education website](#) or by contacting the Shared Education and Community Relations Team via email: SECR.Team@education-ni.gov.uk

The Education Authority can be contacted via the following email address:

24. Complaints

24.1. Any parental or pupil concerns should be treated seriously in accordance with the school's procedures.

24.2. It is the policy of DE that each school Board of Governors should establish formal written procedures for dealing with complaints. Formal procedures are already established for dealing with certain types of complaints such as those relating to staff grievances and appeals against school admission decisions. However, the Board of Governors should have formal written procedures for dealing with all complaints. It is in their best interests to have formal written procedures and to make them available to the wider school community.

24.3. The complaints process put in place should ensure that complaints in relation to decisions made by schools or Boards of Governors are directed to the school Board of Governors in the first instance. If following this procedure, a person remains unsatisfied with the decisions made, the process should set out that they have the right to ask the Public Services Ombudsman to consider unresolved complaints about maladministration, which is generally taken to mean poor administration or the wrong application of rules in all publicly funded schools in Northern Ireland. This means that any pupil or parent who believes that they have been treated unfairly as a result of the actions or decision of a school's Board of Governors will be able to bring their complaint to the Ombudsman after the school's complaints process has been exhausted.

24.4. Parental complaints can be wide and varied. Contact details for each relevant team within the Department of Education can be found at the end of each chapter of this Guide. Should you seek any further detail in relation to those areas please contact the appropriate team.

24.5. Further details on comments and complaints in relation to Controlled Schools can be found on the Education Authority website [here](#).

24.6. The Northern Ireland Public Services Ombudsman has produced a guide to best practice when responding to complaints in a school setting. The Guide can be found at the following link:

https://nipso.org.uk/site/wp-content/uploads/2023/03/NIPSO_Case_Digest_SchoolComplaints_Webspreads.pdf

Glossary

ALC	Area Learning Communities
AMPs	Asset Management Plans
CCMS	Council for Catholic Maintained Schools
CCEA	Council for the Curriculum, Examinations & Assessment
CPSS	Child Protection Support Service
CCSC	Controlled Schools' Support Council
C2K	Classroom 2000
DE	Department of Education
DEL	Department of Employment and Learning
DHSSPS	Department of Health Social Services and Public Safety
EA	Education Authority
EF	Entitlement Framework
EMA	Education Maintenance Allowance
EPD	Early Professional Development
EA	Educational Authority
ETI	Education and Training Inspectorate
EWO	Education Welfare Officer
FOI	Freedom of Information
GCSE	General Certificate of Secondary Education
GTCNI	General Teaching Council for Northern Ireland
HPA	Health Promotion Agency
HR	Human Resources
ICO	Information Commissioners Office
ICT	Information and Communications Technology
IMEI	International Mobile Equipment Identity
ISA	Independent Safeguarding Authority
JNC	Joint Negotiating Council
LMS	Local Management of Schools
LRA	Labour Relations Agency
NI	Northern Ireland
PHA	Public Health Agency
PPP	Public Private Partnership (a term for the development of projects including school building projects involving both the private and public sectors)
PRSD	Performance Review and Staff Development
SDDs	School Development Days
SEN	Special Educational Needs
SEND O	Special Educational Needs and Disability Order
SMT	Senior Management Team
TNC	Teachers Negotiating Committee
TSO	The Stationery Office

The Seven Principles of Public Life (Nolan Principles)

The Seven Principles of Public Life apply to anyone who works as a public office holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office holders are both servants of the public and stewards of public resources. The Principles also have application to all those in other sectors delivering public services.

Selflessness - Holders of public office should act solely in terms of the public interest.

Integrity - Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability - Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness - Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty - Holders of public office should be truthful.

Leadership - Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Policies, Schemes, Procedures Required by Schools

Nature of Policy	Statutory or NonStatutory	Primary or Subordinate Legislative Authority
Curriculum	Statutory requirement for schools to make, and keep up to date, a written statement of their policy in relation to the curriculum for the school	Article 12 of the Education (NI) Order 2006
Role of Governors, Principals and other leaders in schools in supporting school improvement and pupils' development of literacy and numeracy	Non statutory	Every School a Good School – A Policy for School Improvement. Count, Read; Succeed – A Strategy to Improve Outcomes in Literacy & Numeracy
Education of children with special educational needs in an ordinary school	Statutory	Articles 4, 8 and 9 of the Education (NI) Order 1996
School Discipline/Preventing Bullying	Statutory requirement for schools to have in place measures to promote good order and in particular to prevent all forms of bullying among pupils	Article 3 of the Education (NI) Order 1998 as amended by Article 19 of the Education and Libraries (NI) Order 2003
Child Protection	Statutory requirement for schools to have a child protection policy and to implement it	Article 18 of the Education and Libraries (NI) Order 2003
Drugs	Statutory requirement for schools to publish a statement of the school's policy on education in relation to the misuse of drugs	Paragraph 20 of Schedule 3 to the Education (School Information and Prospectuses) Regulations (NI) 2003
Relationships and Sexuality Education (RSE)	Non statutory. The Department considers that every school should have a policy setting out how the school will address RSE within each	Paragraph 5 of Circular 2015/22

	pupil's curriculum	
Open Enrolment	Statutory	Education (NI) Orders 1997, 1998 and 2006 and subordinate regulations

Class Sizes – Years 1-4 (maximum of 30 pupils)	Statutory	Regulation 4 of the Class Sizes in Primary Schools Regulations (NI) 2000 and Article 5 of these Regulations set out the exceptions to the statutory limit on class size
Class Sizes in Practical Subjects	Statutory	Regulation 15 of the Secondary Schools (Grant Conditions) Regulations (NI) 1973 and Circular 2004/5, 2013/07 and 2016/11
Schemes of Management for grantaided schools	Statutory	Article 123 of the Education Reform (NI) Order 1989
Exceptional closure days	Non-statutory	DE Circular 2020/09 Final version Circular - exceptional closure - 2020.1.pdf (educationni.gov.uk)
Election of parents and teachers for appointment to schools' Boards of Governors	Statutory	Schedules 4-7 of the Education and Libraries (NI) Order 1986 and Circular 2013/22
Information that must be included in a school's prospectus and the Annual Report of the Board of Governors	Statutory	Education (School Information and Prospectuses) Regulations (NI) 2003 and Circular 2003/15
Setting targets for the overall performance of pupils at the school. These targets, and the actions that flow from them, should be included in the school Development Plan (excluding Nursery and Special Schools)	Statutory	Education (Target-Setting in Schools) Regulations (NI) 1998 The Education (School Development Plans) Regulations (NI) 2010
Duties in relation to the keeping, transfer and disclosure of pupil records (excluding nursery schools)	Statutory	Article 24 of the Education (NI) Order 2006 and The Education (Pupil Records and Reporting) (Transitional) Regulations (NI) 2007 and The Education (Pupil Reporting) Regulations (NI) 2009

Duty to securing that pupils are assessed as required and to (a) make such reports and returns; and (b) give such information as the Department may reasonably require for the purposes of its functions under any statutory provision	Statutory	Articles 9 and 13 of The Education (NI) Order 2006; Article 37 of The Education and Libraries (NI) Order 2003 and The Education (Assessment Arrangements) (Foundation to Key Stage 3) Order (NI) 2007. See also DE Circular 2015/08
Statutory duty to ensure that pupils are entered at the appropriate times for examinations	Statutory	Article 136 of The Education Reform (NI) Order 1989
Guidance policy for schools on Security and Personal Safety in Schools in relation to Health and Safety	Non-statutory – Guidance and advice	Article 4(3) of the Health and Safety At Work (NI) Order 1978 Guidance issued May 1997
Policy with respect to the provision of, and the classes or descriptions of case in which it proposes to make charges for, any optional extra or board and lodging in respect of which charges may be permitted	Statutory but not applicable to voluntary grammar schools which have not entered into an agreement with DE under Schedule 6 of the Education and Libraries (NI) Order 1986 – Article 127(2) of the 1989 Order refers	Article 131 of the Education Reform (NI) Order 1989
School Starting Age – where a child reaches 4 on or between 1 st September and 1 st July* in the same school year, the child will usually start school at the beginning of the following school year, when he is 4 but not yet 5 years of age. Where a child reaches the age of 4 between 2 July and 31 August in the same calendar year, the child has to start school in September of the next calendar year when he will be 5 years of age. The School Age Act (2022) provides legal flexibility so that the youngest children in the year born between 1st April and 1st July (inclusive), or who were due to be born on or after 1st April but were born earlier , are able to commence primary education in September following their fourth birthday (as they do now), or alternatively to defer entry to primary school until the September	Statutory – Every child should receive 12 years of highquality educational provision that meets their needs, interests and aspirations and enables them to fulfil their potential	Education and Libraries (NI) Order (1986) – Articles 45, 46 and Article 46a and Schedule 13. School Age (NI) Act 2022

following their fifth birthday. A pupil who reaches the age of 16 on or between 1st September and 1st July in the same school year, can leave school on 30 June in that school year**. A pupil who reaches the age of 16 between 2 July and 31 August in the same year, cannot leave school until 30 June in the next calendar year. The School Age Act (2022) amends the definition of the upper limit of compulsory school age for those children who defer entry to primary school so that they will continue to receive 12 years of compulsory education. Deferred children will remain of compulsory school age until the end of the academic year when they turn 17, when they will be completing Year 12. This means children who defer cannot leave education at the end of Year 11 mid-way through their qualification courses.		
Staff Disciplinary procedure	Statutory Non-Statutory	Schedule 4 of the Education Reform (NI) Order 1989 as amended by Schedule 2 of the Education (NI) Order 1998. TNC 2016/2 & TNC 2016/3 DE Circular 2015/13
Staff Grievance procedure	Statutory Non-Statutory	Schedule 4 of the Education Reform (NI) Order 1989 as amended by Schedule 2 of the Education (NI) Order 1998. TNC 2014/6 & TNC 2014/6 Annex A
Staff Salary Policy	Non-Statutory	DE Circular 1993/24 Guidance for Boards of Governors on The Formulation and Implementation of Salary Policy DE Circular 2016/24 DE Circular 2016/23 DE Circular 2011/17
Staff Training & Development	Non-Statutory	PRSD TNC 2014/1

Teacher redundancies procedure	Statutory	Schedule 4 of the Education Reform (NI) Order 1989 was replaced by Article 58 and Schedule 2 of the Education (NI) Order 1998
	Non-Statutory	TNC 2010/1
Termination of employment of teachers on the grounds of ill health or capability	Statutory	Teachers' (Eligibility) Regulations (NI) 1997 No 312 as amended by Teachers' (Eligibility) Regulations (NI) 2006
	Non-Statutory	TNC 2013/1
Teachers' pay / sick pay / leave of absence determinations	Statutory	Article 69(1) and (6) of the Education and Libraries (NI) Order 1986 Teachers' Salaries Regulations (NI) 1993 No. 318 (as amended) 1993 No. 403 and No. 447
	Non-Statutory	Annual Teacher Pay Determinations (Issued as Department Circulars) DE Circular 2016/24 & DE Circular 2016/23 TNC 2014/2 TNC 2014/3 TNC 2014/4 TNC 2014/5
'Every School a Good School' School Development Planning	Statutory	The Education (School Development Plans) Regulations (NI) 2010 No. 395 School Development Planning Guidance 2010. School Development Planning Circular 2010/22. School Development Planning & Target Setting (Primary) Circular 2019/05 School Development Planning & Target Setting (Post-primary) Circular 2019/10 School Development Days Circular 2016/04 Addendum to Circular 2016/04 - School
		Development Days

School Parental Complaints Procedure	Non-Statutory	Letter of 21 March 2012 from DE to all schools
Whole-School Food Policy	Non-Statutory	DE Circular 2013/21
School Uniform Policy	Non-Statutory	DE Circular 2011/04
Children and Young People's Strategy	Statutory	Children's Services Cooperation Act (NI) 2015

Additional employment policies

As a consequence of Employment law and/or agreements reached through the arrangements for negotiating staff remuneration and terms and conditions of service:

- Maternity Leave Scheme
- Adoption Leave Scheme
- Paternity Leave Scheme
- Parental Leave Scheme
- Career Break Scheme
- Promoting a Dignified Workplace – A Policy Statement and Code of Practice on Measures to Combat Bullying and Harassment of Teaching Staff in Schools
- Job Share Scheme
- Assault on Teachers – Indemnification
- Smoking Policy for Schools
- Managing Attendance
- School Reorganisation Agreement
- Alcohol and Drug Misuse Policy
- Procedure for Supporting Effective Leadership by School Principals
- Procedure for Supporting Effective Teaching in Schools
- Guidance to Board of Governors on the Formulation and Implementation of Salary Policy
- Performance Review and Staff Development Scheme
- Procedures for Teachers who Work with VDUs and who Wish to Apply for Eye screening Test
- Whistleblowing Policy
- Flexible Working Scheme
- Dealing with an Allegation of Abuse against a Member of Staff (Child Protection)
- Disciplinary Procedure
- Grievance Procedure
- Mediation Procedure
- Workload Agreement
- Protocol for Home – School eLearning

Appendix 4 – THIS APPENDIX IS UNDER REVIEW AND WILL BE UPDATED ACCORDINGLY Parental Rights and Responsibilities

1. Article 44 of the Education and Libraries (NI) Order 1986 (the 1986 Order) sets out the general principle that, “so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents”.
2. Article 45 of the 1986 Order places a duty on the parent of a child of compulsory school age to make sure that they receive efficient full time education suitable to their age, ability and aptitude and to any special educational needs that they may have, either by regular attendance at school or otherwise.
3. In education legislation, ‘parent’ in relation to a child or young person includes any person who has parental responsibility for them or care of them.

Parental Rights

4. Parents have considerable rights in law in relation to their children’s education. The following are some of the rights that parents have under current education legislation:

- Article 9 of the Education (NI) Order 1997 provides for parents to express their preferences in respect of the admission of their child to a school
- Article 15 of the Education (NI) Order 1997 enables parents to appeal against certain school admission decisions
- Article 21 of the 1986 Order enables parents to request that their child be withdrawn from religious education and collective worship
- Article 24 of the Education (NI) Order 2006 entitles parents to receive an annual report about their child’s progress at school
- Article 49 of the 1986 Order (as substituted by Article 39 of the Education and Libraries (NI) Order 1993) provides for parents to appeal against a decision by school authorities to expel their child from school (if the child is under the age of 18). Article 32 of the Education (NI) Order 2006 will replace these provisions when commenced
- Article 136 of the Education Reform (NI) Order 1989 provides for parents to make a written request that their child is not entered for an examination
- Article 125 of the Education Reform (NI) Order 1989 provides for parents to receive a copy of the Board of Governors’ Annual Report
- Schedules 4, 5, 6 and 7 to the 1986 Order and Schedule 5 to the Education Reform (NI) Order 1989 provide for parents to stand for election and vote in the election to be a parent governor of the school
- Article 70 of the Education Reform (NI) Order 1989 provides for parents to vote in ballots to change the school’s status to grant maintained integrated or controlled integrated
- The Education (School Information and Prospectuses) Regulations (NI) 2003 require schools to provide parents with a wide range of information relating to access to school

policies, school daily start and closing times, pupil dress, school meals arrangements, school holidays, etc.

- The Freedom of Information Act 2000 (DE Circular 1999/17 refers) also provides parents with rights of access to information regarding their children

5. Also

- The statutory Code of Practice on the Identification and Assessment of Special Educational Needs provides for parents to be consulted during the statutory assessment and statementing process, where their child has special educational needs and to give any necessary approval

- The scheme of management provides for parents to receive a summary or a copy of the full report on their child's school, issued by the Education and Training Inspectorate (ETI) following an inspection of the school by the ETI

6. In addition, it is best practice to:

- provide parents with the opportunity to discuss their child's progress at school with the classroom teacher

- invite parents to give permission for activities such as school trips, after school activities and medical or dental examinations

- facilitate a School Parents' Association

Parental Responsibility

7. The Children (NI) Order 1995 introduces the concept of parental responsibility; it states who automatically has this responsibility and how it may be acquired by others. The possibility of others acquiring parental responsibility has implications for schools – those who acquire parental responsibility, generally have the same rights as parents under current education legislation and may wish to exercise them.

8. 'Parental responsibility' in the Education Orders has the same meaning as in the Children (NI) Order 1995.

9. The Children (NI) Order 1995 defines parental responsibility as "all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property." In the context of education, the only rights a parent has, which a person with parental responsibility does not have, under the Education Orders, are the rights in relation to parent Governors and voting to change a school's status to integrated status.

Who automatically has parental responsibility?

10. A mother always has parental responsibility. The only exception to this is when an adoption order or an order freeing a child for adoption is made.

11. Parents who were married at the time of the child's birth or parents who were married at the time of the child's adoption, each retain parental responsibility, regardless of separation or divorce at a later stage.

12. Where a child's mother and father were not married to each other at the time of the child's birth, then only the mother automatically has parental responsibility for the child. If the child's parents subsequently marry, then the father automatically acquires parental responsibility.

Who can acquire parental responsibility?

13. The person most likely to acquire parental responsibility rights is a father who remains unmarried to the child's mother. This may be done by:

- becoming registered as the child's father
- making a Parental Responsibility Agreement with the mother
- applying to the court for a Parental Responsibility Order
- having a Residence Order made in his favour

14. Anyone in whose favour a Residence Order is made will have parental responsibility, while the Order remains in force. Most Residence Orders are made in favour of a relative, such as a grandparent or step parent.

15. A Health and Social Care Trust acquires parental responsibility while an Interim or Final Care or an Emergency Protection Order is in force.

Can parental responsibility be shared by more than one or two parties?

16. More than one person can have parental responsibility for the same child at the same time and neither parent will lose it solely because it is acquired by someone else through a court order.

17. When a Health and Social Care Trust becomes legally involved with a child, while parents do not lose parental responsibility, the Trust is given powers to determine, with certain restrictions, the extent to which another person with parental responsibility may act.

What happens if those with parental responsibility disagree?

18. Any person who has parental responsibility may act alone. Where there is disagreement between those with parental responsibility on any course of action affecting the child, any of the parties involved may apply to the Court for a decision.

Implications for Schools

What does this mean for schools?

19. It means that anyone who has parental responsibility for a pupil or has care of them is entitled to exercise almost all of the rights given to parents in education legislation.

Must schools find out about all persons who have parental responsibility for a pupil?

20. No. Schools are not required to take any special action to find out about all persons who have parental responsibility for their pupils. It is for these persons to inform the school and make appropriate arrangements.

What action should a school take if an approach is made about parental responsibility?

21. Before any action can be taken to accommodate a request to exercise the rights of a person claiming to have parental responsibility, the school will need to:

- confirm that the person has parental responsibility
- establish which rights will be exercised independently or on a shared basis
- make the necessary administrative arrangements

All such requests should be handled sensitively and confidentially.

How can parental responsibility be verified?

22. This may be done by:

- asking for verification from the person making the approach about parental responsibility
- where a parental responsibility agreement has been made with the pupil's mother, asking the father to produce a copy of the agreement for inspection
- where a Parental Responsibility Order has been made, requesting a copy of the Order for inspection

If the school has any concerns about the validity of the documents produced, the EA Education Welfare Service can provide help and assistance.

How should the position on the exercise of rights be established?

23. The exercise of all parental rights may not be appropriate in all cases, as for example in the case of a Health and Social Care Trust exercising parental rights.
24. It is important for the school to establish if these rights are to be exercised independently or on a shared basis.

What administrative action should be taken?

25. When a school has verified where parental responsibility lies and has established the position in respect of education rights, appropriate arrangements should be made to ensure that these rights can be exercised.

The Law

The Children (NI) Order 1995

Guidance

The Children (NI) Order 1995 - An introductory Guide for Schools

DE Circular 1999/17: Parental Responsibility: Guidance to Schools
<https://www.education-ni.gov.uk/publications/circular-199917-parental-responsibilityguidance-schools>