

RESPONSE OF THE ULSTER TEACHERS' UNION TO THE DRAFT EDUCATION ORDER, 2006

1. The Ulster Teachers' Union (UTU) is the only locally based teachers' professional organisation and represents almost 7,000 members in the nursery, primary, secondary (including grammar) and special sectors. It is well placed to comment on local legislation as it represents only Northern Ireland's teachers and does not have to take into account national policies.
2. The UTU welcomes the introduction of the revised curriculum through articles 3 to 26 of the Order. The new curriculum has been the subject of consultation with teachers and they have contributed considerably to the piloting of the new curriculum. Feedback would suggest that while it is a major departure from existing practice teachers welcome the flexibility it will offer. It will present teachers with an opportunity to enhance their professionalism – instead of delivering pre-determined modules with little opportunity for creativity, teachers will now be able to customise their teaching to suit the needs of their pupils.
3. The UTU wholeheartedly concurs with the aspirations in article 4 (2) that it is to be a “balanced and broadly based curriculum” which “promotes the spiritual, emotional, moral, cultural, intellectual and physical development of pupils at school and thereby of society” and “prepares such pupils for the opportunities, responsibilities and experiences of life by equipping them with knowledge, understanding and skills.”
4. The UTU notes the continued inclusion of religious education for all registered pupils.
5. The UTU also notes the reference in Article 5 (3) allowing matters other than those particularly included to be part of a school's curriculum.
6. The areas of learning and contributory elements appear to be appropriate. The UTU particularly welcomes the inclusion of the elements listed under “Personal development and mutual understanding” in the Foundation Stage and Key Stages 1 & 2, and the inclusion of “Learning for life and work” at Key Stages 3 & 4. As a teachers' union we are particularly committed to the concept of developing citizenship and we have always been to the forefront in promoting mutual understanding, as evidenced recently by the UTU/INTO joint cross border human rights initiative.
7. The reference to minimum content is acceptable providing such minimum content is subject to consultation with teachers, including any revision thereof as referred to in article 7 (4) (b).
8. The UTU believes that the acquisition of cross-curricular skills is an important aspect of education but would again request that consultation be entered into where appropriate regarding the levels of progression that are to be set in place, as referred to in article 8 (4) (a) and (b).

9. The assessment arrangements to ascertain a pupil's level of progression, as referred to in article 9 of the Order, must also be subject to consultation with teachers and must not result in additional unmanageable workload.
10. Article 10 is to be welcomed in that it allows for individual flexibility in time-tabling. It also confers upon NICCEA the responsibility for deciding with whom they will consult. The UTU would suggest that specific reference be made in Article 10 (5) (a) after "such bodies or persons as appear to NICCEA to be concerned" **including the teacher unions.**
11. The UTU would wish to place on record that it believes great care must be taken in relation to article 11 (2) which refers to a "drafting group" for the core syllabus for religious education. It would be important that such a group be balanced and represent a range of people across the spectrum, particularly given the increasing ethnic mix of the people of Northern Ireland.
12. The UTU welcomes the requirement enshrined in article 12 (4) (b) that the principal of a school must be consulted before changes are made to a school's curriculum policy.
13. Article 12 (5) highlights an area of concern for UTU. The principal is charged with securing the delivery of the curriculum "subject to the resources available". Whilst this is a protection for principals, and we concur that this wording is essential, it highlights the problem that in recent years insufficient resources, including the vital resource of teaching staff, have been made available to schools to properly deliver the curriculum. As demographics result in a downturn in pupil numbers the UTU would urge the Department of Education to maintain current levels of funding to schools thereby allowing them to retain the resources they currently have in order to provide an improved learning environment for young people.
14. The UTU notes the requirement on Boards of Governors and principals in relation to religious education, minimum content and assessment. The UTU reiterates its concerns that article 13 (3) can only be achieved if sufficient funding is supplied to the Department of Education and from it to the area boards and CCMS.
15. The UTU welcomes the provision in article 14 to allow modification of the curriculum for developmental purposes. The existing provision of disapplication has been a very important tool in allowing secondary schools to improve the range of activities on offer to pupils.
16. Article 15 and 16 also allow for modifications to be made when necessary and are to be welcomed, particularly for pupils with statements of special educational needs.
17. The UTU also welcomes article 17 allowing for temporary exemptions for individual pupils at the direction of principals with time limits built in. This will be of particular assistance in the case of pupils who may ultimately be statemented. The UTU notes the appeals procedure that allows parents to challenge the principal's decision.

18. The UTU endorses the requirement in article 18 that the menu of choices at Key Stage 4 should cover a range of courses including a balance of general and applied courses. It has been of concern that pupils who have in the past followed the academic route through the grammar system have in many cases been denied access to more practical courses, at which many of them could excel and which would ultimately provide them with wider career choices.
19. The UTU also endorses the requirements specified in articles 18 (c and (d) which provide for breadth of curriculum and for the inclusion of at least one European language other than English or Irish.
20. The UTU notes that article 18 (2) allows for a suitable time frame for the introduction of the required minimum entitlement. Schools that are currently short of the proposed number of 24 courses will be assured by this that they will be given a reasonable period of time to build up to the requisite level.
21. Similarly, article 19(2) provides the same flexibility for the introduction of the required entitlement at post 16 level and UTU welcomes this provided that in neither case the timeframe is extended for too long. It is unacceptable that children are not given equality of choice of subjects at either GCSE or A-level and these regulations pave the way for that inequality to cease.
22. The UTU notes that the Department of Education intends to list those subjects that fall into the general and applied categories and this will be necessary in order to ensure that all schools are complying with article 18 which specifies a balance of subjects.
23. The UTU believes article 21, which introduces the blueprint for collaboration between schools, and between schools and institutions of further education, is an exciting as well as a challenging development. The UTU will encourage its membership to build on the current examples of good practice and will assist its members in dealing with the practicalities of such collaborative working. The UTU also notes the change in terminology from “pupil attending” to “registered pupil” which allows for shared teaching of pupils.
24. The UTU has concerns regarding article 22. While it is acknowledged that, for example, in the case of special schools that articles 18 and 19 may not be applicable, the UTU would not wish second level schools generally to be able to opt out of the statutory requirements regarding the entitlement framework.
25. The UTU notes article 23 which allows for the provision of CASS services by boards. As the Review of Public Administration progresses the UTU would welcome co-operation and collaboration between boards in the provision of such services and notes the ability of the Department , as stated in article 23 (7), to intervene where necessary.
26. The UTU has concerns about the inclusion of article 24(2)(a), part (iii). The UTU was delighted when the league tables for schools were abolished and would hope that this article would never be used to reinstate such a system again. UTU agrees

that there are certain prescribed persons to whom a school's achievements should be made available but would urge caution in the wholesale production of this type of statistics since they are open to abuse. The UTU welcomes the inclusion of paragraph (4) but would suggest that the consultation exercise should include direct reference to the teacher unions in part (d).

27. The UTU welcomes the protections built at paragraphs (5) and (6).
28. The UTU believes that article 25 which provides for a complaints procedure is essential, but hopes that it will not be required to be utilised to any great extent.
29. The UTU notes the exemptions for nursery schools/classes and hospital schools/classes in article 26.
30. The UTU wholeheartedly endorses article 27 amending the 1997 order with respect to admissions to grammar schools.
31. The UTU further endorses the amendments in article 28, particularly at paragraph (5). This union has fully supported the campaign for abolition of the transfer test and welcomes the end to selection at such an early age based on a discredited system. The UTU would support the concept of permitted criteria and notes that there is to be further consultation on what those criteria might be.
32. The UTU believes that it is necessary that article 29 be included to ensure that fair means exist to handle cases where there are exceptional circumstances, and that there is equality of treatment throughout the post primary system. The UTU believes, however, that system must be devised to ensure that any additional pupils allocated to the school by such means should receive immediate and adequate funding. UTU is also firmly of the belief that no school should be given a large number of pupils with special needs unless proper resources are put in place to ensure that ALL pupils in the school receive equality of opportunity.
33. The UTU notes the changes in article 30 in relation to suspension and expulsion of pupils. The UTU believe that whatever system is put in place for suspensions and expulsions must be effective in dealing with the difficulties in discipline that schools encounter and must not be bureaucratic to the point of being cumbersome.
34. The UTU notes that there is to be an appeals tribunal to which parents or pupils who wish to appeal against an expulsion can make application, and a similar system for appeals against suspension. The UTU believe that suspension must be actioned swiftly in reaction to incidents of indiscipline and fears that the appeals process might dilute the effectiveness of suspensions. Schools must be confident that they can use suspension as a measure to ensure the school's disciplinary code is adhered to without fear of that decision being undermined through an appeal.
35. The UTU has grave concerns about the additional workload implications of article 33. If schools are to become wholly responsible for the education of suspended pupils then allowances for this must be made in terms of additional staffing to deal with the increased workload.

36. The UTU welcomes the intention in article 34 to transfer responsibility for the approval of qualifications to the General Teaching Council. The UTU would urge an early application of this regulation.
37. Likewise, the UTU welcomes article 35 as a further step towards self-regulation for the profession while acknowledging that much consultation must take place between the GTC and the teacher unions to ensure appropriate procedures are set up to deal with such matters.
38. The UTU also welcomes article 36 which bestows further independence to the General Teaching Council for its affairs.
39. The UTU notes that article 38 which allows for remuneration for members of the governing bodies of institutions of further education. The UTU would suggest that it might be timely to consider whether such a regulation should be extended to cover members of Boards of Governors of schools, including teacher representatives, in acknowledgement of the increasing time commitment and responsibility of such a service.
40. The UTU welcomes the end to both baseline assessment, and the requirement for Boards of Governors to hold an annual meeting of parents, which was bureaucratic and ineffective use of teachers' time.