STATUTORY RULES OF NORTHERN IRELAND

# 2003 No. 378

# EDUCATION

## Education (School Information and Prospectuses) Regulations (Northern Ireland) 2003

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| *Made - - - -* | *13th August 2003* |
| *Coming into operation* | *15th September 2003* |

The Department of Education, in exercise of the powers conferred on it by Articles 31(2) and (3) and 137(5) of the Education Reform (Northern Ireland) Order 1989(**1**), Article 17(3), (4) and (6) of the Education (Northern Ireland) Order 1997(**2**) and of every other power enabling it in that behalf and after consultation in accordance with Article 31(4)(**3**) of the 1989 Order with the boards, the Council for Catholic Maintained Schools, the Boards of Governors and principals of every grant-aided school appearing to it to be affected and any other person with whom consultation appeared to it to be desirable, hereby makes the following Regulations:

### Citation, commencement and effect

**1.**—(1) These Regulations may be cited as the Education (School Information and Prospectuses) Regulations (Northern Ireland) 2003 and shall come into operation on 15th September 2003.

(2) These Regulations shall have effect in relation to the publication or otherwise making available of information, particulars or documents in the 2003/2004 school year and in each subsequent school year.

### Revocation and saving

**2.**—(1) Subject to paragraph (2) the Regulations specified in Schedule 1 are hereby revoked.

(2) Where information, particulars or documents which are required to be published in the school year 2003/2004 have been published or otherwise made available before 15th September 2003 the Education (School Information and Prospectuses) Regulations (Northern Ireland) 1993(**4**) shall continue to have effect in relation thereto as if these Regulations had not been made.

(**1**) S.I.1989/2406 (N.I. 20); Article 137(5) was amended by Part II of Schedule 4 to the Education and Libraries (Northern Ireland) Order 1993, (S.I. 1993/2810 (N.I. 12))
(**2**) S.I. 1997/866 (N.I. 5)
(**3**) Article 31(4) was amended by Part II of Schedule 5 to the Education (Northern Ireland) Order 1996, (S.I. 1996/274 (N.I. 1))
(**4**) S.R. 1993 No. 370 as amended by S.R. 1994 No. 315, S.R. 1994 No. 361, S.R. 1996 No. 359, S.R. 1997 No. 341 and S.R. 1998 No. 451

**Interpretation**

**3.**—(1) In these Regulations –

"assessment outcome" in relation to any pupil means the level of attainment achieved by that pupil in the statutory assessment at the end of the first, second or third key stage;

"educational theme" has the meaning ascribed to it in Article 8(1) of the 1989 Order;

"external test" means a test, set and marked by the Northern Ireland Council for the Curriculum, Examinations and Assessment, in accordance with the statutory arrangements for the assessment of pupils at the end of the third key stage;

"AVCE" means the Advanced Vocational Certificate of Education;

"GCE A Level" means the General Certificate of Education at Advanced Level;

"GCSE" means the General Certificate of Secondary Education;

"GNVQ" means the General National Vocational Qualification;

"level of attainment" means a level set out in any document of a kind referred to in Article 7(5)(**5**) of the 1989 Order the provisions of which have effect, or (as the case may be) have effect as amended, by virtue of any order made under Article 7(1) of that Order;

"nursery unit" means a unit approved by the Department for the purpose of providing education for children who have attained the age of two years but who have not attained the lower limit of compulsory school age;

"other qualification" means a qualification other than GCSE, GCE A Level, AVCE or GNVQ, provided by an examining body listed in Schedule 5;

"public examinations" means GCSE, GCE, AVCE and equivalent examinations;

"relevant board", in relation to a grant-aided school, means the board in whose area the school is situated;

"relevant school", in relation to a board, means a grant-aided school situated in the board's area;

"school prospectus" shall be construed in accordance with regulation 6(4)(a);

"school year" means a year beginning on 1st August and ending on 31st July following, both dates inclusive;

"special education unit" means a unit approved by the Department for the purpose of making educational provision for pupils with special educational needs;

"teacher assessment" means the assessment of a pupil by a teacher, in accordance with the statutory arrangements for the assessment of pupils at the end of the first, second or third key stage;

"the 1986 Order" means the Education and Libraries (Northern Ireland) Order 1986(**6**);

"the 1989 Order" means the Education Reform (Northern Ireland) Order 1989;

"the 1997 Order" means the Education (Northern Ireland) Order 1997;

"the 1998 Order" means the Education (Northern Ireland) Order 1998(**7**);

"the Department" means the Department of Education;

"transfer procedure test grade" means the grade achieved by a pupil on his performance in a test or tests administered in accordance with arrangements specified by the Department as part of the arrangements for the transfer of pupils from primary to secondary education;

"year 1", in relation to any pupil, means the first school year of key stage 1;

(**5**) Article 7(5) was substituted by Part I of Schedule 5 to the Education (Northern Ireland) Order 1998 (S.I. 1998/1759 (N.I. 13))
(**6**) S.I. 1986/594 (N.I. 3)
(**7**) S.I. 1998/1759 (N.I. 13)

"year 8", in relation to any pupil, means the first school year of key stage 3;

"year 11", in relation to any pupil, means the first school year of key stage 4;

"year 12", in relation to any pupil, means the final school year of key stage 4;

"year 13", in relation to any pupil, means the school year beginning on 1st August after year 12;

"year 14", in relation to any pupil, means the school year beginning on 1st August after year 13.

(2) In these Regulations any reference to the date up to which parents may express a preference for a school is a reference to the date by which, in accordance with arrangements made by the relevant board in pursuance of Article 9(1) of the 1997 Order, a parent wishing education to be provided for his child in the exercise of the board's functions should express such a preference.

(3) In these Regulations the requirement to express information as a percentage shall be construed so that, where that number is not a whole number, it shall be rounded to the nearest whole number with those of half a percentage point or more being rounded upwards to the next whole number.

(4) In these Regulations any reference to the statutory arrangements for the assessment of pupils at the end of any key stage means the arrangements made under Article 7(**8**) of the 1989 Order for the assessment of pupils in subjects at the end of that key stage and "statutory assessment" shall be construed accordingly.

**Application**

**4.** These Regulations apply to all grant-aided schools.

**General information to be published by education and library boards**

**5.** The information required by Article 17(4) of the 1997 Order to be published by a board, in relation to its policy and arrangements concerning primary (including nursery) and secondary education and special educational provision in its area, shall be the information set out in Schedule 2.

**Information to be published by Boards of Governors**

**6.**—(1) The information required by Article 17(3) of the 1997 Order to be published by a Board of Governors shall be –

(a) in the case of a school other than a nursery school, the information specified in Schedule 3;

(b) in the case of a nursery school, the information specified in Schedule 4.

(2) The information mentioned in paragraph (1), in relation to each school year, shall be published in advance of that year.

(3) The information mentioned in paragraph (1), in the case of a primary or a secondary school, shall be published not later than six weeks before the date up to which parents may express a preference for a school.

(4) In the case of any school the information shall be published –

(a) in a document to be known as the school prospectus; and

(b) by copies being made available at the school for distribution on request, without charge, to parents and for reference by any other person.

(5) In the case of a special school the information mentioned in paragraph (1) shall also be published by copies being made available at the offices of the relevant board for distribution without charge to parents on request and for reference by any other person.

(**8**) Article 7(2) was amended by Article 35(2) of the Education (Northern Ireland) Order 1996 (S.I. 1996/274 (N.I. 1))

(6) Where any information is to be published by a board with the agreement of the Board of Governors pursuant to Article 17(5) of the 1997 Order, that information shall be supplied to it by the Board of Governors and may not be altered except with the agreement of the Board of Governors.

(7) The information mentioned in paragraph (6) may be published and made available by a board along with such other information as it sees fit.

**Supplementary provisions**

**7.**—(1) This regulation applies to any published document containing such information or particulars as are mentioned in regulation 6.

(2) Such a document shall state the school year to which the information or particulars it contains relates and, in relation to information or particulars relating to a school year subsequent to the school year in which the document is published, contain a warning that, though they were correct in relation to that year at a date specified in the document (not being earlier than 6 months before that of its publication) it should not be assumed that there will be no change affecting such information or particulars –

(a) before the start of, or during, the school year in question; or

(b) in relation to subsequent school years.

(3) Where by virtue of any provision of these Regulations any duty is placed on a Board of Governors to publish or make available any information, and that information is not within its knowledge but is within the knowledge of the principal of that school, he shall supply it to the Board of Governors.

**Information on charging and remissions policies, fees, etc.**

**8.**—(1) A board shall make available information consisting of particulars of the charging and remissions policies determined by it under Article 131 of the 1989 Order(**9**).

(2) Copies of the information mentioned in paragraph (1) shall be made available for distribution without charge to parents on request, and for reference by any other person –

(a) at the offices of the board;

(b) at every relevant school; and

(c) at public libraries in the area of the board.

**9.**—(1) A Board of Governors shall make available information consisting of –

(a) the times at which the school day begins and ends;

(b) the dates of the school terms and half-term holidays for the current school year;

(c) particulars of the charging and remission policies determined by the Board of Governors under Article 131 of the 1989 Order;

(d) in the case of a voluntary grammar school, particulars of any capital charge made by the Board of Governors in the current school year; and

(e) in the case of a voluntary grammar school constituted under Schedule 7 to the 1986 Order, particulars of any tuition fee charged by the Board of Governors in the current school year.

(2) Copies of the information mentioned in paragraph (1) shall be provided at the school for reference by any person at all reasonable times on a school day and for distribution without charge to parents on request.

(**9**) Article 131 of the 1989 Order was amended by the Jobseekers (Northern Ireland) Order 1995 (S.I. 1995/2705), Tax Credits Act 1999 (c. 10) and Tax Credits Act 2002 (c. 21)

(3) Where any significant change is made to the information mentioned in paragraph (1), the Board of Governors shall, not less than three months before the change is to take effect, take such steps as are reasonably practicable to secure that the parents of all pupils at the school concerned are informed of the change and of when it is to take effect.

**Information to be given in the annual report of the Board of Governors to parents and the supply of that report**

**10.**—(1) The Board of Governors of every grant-aided school shall include in the annual report required to be prepared under Article 125(1) of the 1989 Order information consisting of:

(a) the total number of days attended by pupils at the school in the school year to which the annual report relates, expressed as a percentage of the total possible number of days of attendance by those pupils in that school year;

(b) in the case of a primary school, the information specified in paragraph 12 of Schedule 3, with the substitution of the words "in the school year to which the annual report relates" for the words "in the school year before the school year in which the prospectus is published";

(c) in the case of a secondary school,

(i) a list, in alphabetical order, of the subjects followed by pupils at the school in the school year to which the annual report relates;

(ii) the information specified in paragraphs 13, 14 and 15 of Schedule 3, with the substitution of the words "in the school year to which the annual report relates" for the words "in the school year before the school year in which the prospectus is published";

(iii) particulars of the steps taken by the Board of Governors in meeting its duties under Part III of the 1989 Order in relation to careers education, including the provision of careers guidance, in the school year to which the annual report relates; and

(iv) in relation to the school year before the school year to which the annual report relates, such particulars about the average performance of pupils in Northern Ireland schools in public examinations as the Department may provide to the school for the purposes of publication under this regulation.

(2) The Board of Governors shall furnish a copy of the annual report –

(a) in the case of a controlled school or a maintained school to the relevant board; and

(b) in the case of a Catholic maintained school, to the Council for Catholic Maintained Schools; and

(c) in the case of any other voluntary school or a grant-maintained integrated school, to the Department.

**Public access to documents and information**

**11.**—(1) The Board of Governors of every grant-aided school shall, where they have made any written statement under Article 10(1) of the 1989 Order (policy in relation to the curriculum for the school), furnish a copy thereof to the principal and to each member of the teaching staff at the school.

(2) The principal of every grant-aided school shall make available on request to any person, at all reasonable times –

(a) any written statement furnished to the principal under paragraph (1);

(b) any statutory instrument or statutory document or administrative memorandum or circular sent by the Department to the principal or to the Board of Governors relating to the powers and duties imposed by or under Part III of the 1989 Order (the Curriculum);