

STATUTORY RULES OF NORTHERN IRELAND

2016 No. X EDUCATION

Complaints Tribunal (Curriculum and Related Matters) Regulations (Northern Ireland) 2016

Made _____ XXX 2016

Coming into operation 1 August 2016

The Department of Education, makes these Regulations in exercise of the powers conferred on it by Articles 25 (1) and (4) and Article 43 (5) of the Education (Northern Ireland) Order 2006:

Citation and commencement

1. These Regulations may be cited as the Complaints Tribunal (Curriculum and Related Matters) Regulations (Northern Ireland) 2016 and shall come into operation on 1 September 2016.

Interpretation

2. In these Regulations “EA” means the Education Authority as established by the Education Act (Northern Ireland) 2014.¹

Constitution of a complaints tribunal

3. A complaints tribunal shall be constituted in accordance with Schedule 1.

Procedure of a complaints tribunal

¹ 2014 C12 (NI)

4. Schedule 2 shall have effect in relation to the procedure of a complaints tribunal.

Revocations

5. The following Regulations are revoked:

- (a) Curriculum (Complaints Tribunal) Regulations (Northern Ireland) 1992;² and
- (b) Curriculum (Complaints Tribunals) (Amendment) Regulations (Northern Ireland) 1997.³

Sealed with the Official Seal of the Department of Education on XXXX.

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Senior Officer of the
Department of Education

² SR 1992 No 457

³ SR 1999 No. 189

SCHEDULE 1

Constitution of a Complaints Tribunal

Membership

1. Subject to the provisions of this Schedule a complaints tribunal shall consist of three members appointed by the EA from a panel of persons established by the EA for that purpose.
2. The persons on a panel referred to in paragraph 1 shall comprise -
 - (a) persons appearing to the EA to have experience in education; and
 - (b) parents of registered pupils at a school,but shall not include any person employed by the EA otherwise than as a teacher.
3. A complaints tribunal shall comprise of at least one person falling within paragraph 2 (a).

Chair

4. The members of a complaints tribunal shall elect one of their number to be chair of the tribunal.

Disqualification from membership

5. A person shall not be a member of a complaints tribunal if:-
 - (a) he is a member of either the EA or the Board of Governors, as the case may be, against which the complaint is being made, or he was such a member at the time when the circumstances giving rise to the complaint first arose; or
 - (b) he is an employee of the EA, otherwise than as a teacher, or he was such an employee at the time when the circumstances giving rise to the complaint first

arose; or

- (c) he is a person employed to work in the school against the Board of Governors of which the complaint is being made, or he was so employed at the time when the circumstances giving rise to the complaint first arose; or
- (d) he is the parent of a registered pupil at a school against the Board of Governors of which a complaint is being made, or was such a parent when the circumstances giving rise to the complaint first arose; or
- (e) he is an employee of the Department.

SCHEDULE 2

Procedure of a Complaints Tribunal

1. A complaint against the EA or a Board of Governors of a relevant school shall be by notice in writing, sent to such address of the EA as it may specify, setting out the grounds on which that complaint is made.
2. A complaints tribunal shall normally hear a complaint within 20 working days beginning with the date on which it receives that complaint.

Representation

3. A complaints tribunal shall give the complainant an opportunity to make written representations and shall afford the complainant or his representative an opportunity of appearing and making oral representations.
4. A complaints tribunal shall give the respondent an opportunity to make written representations and shall afford a representative of the respondent an opportunity of appearing and making oral representations.

Order of Oral Representations

5. The chairman of a complaints tribunal shall determine the order of the making of oral representations to it.

Hearing

6. A complaint shall be heard in private except where the complaints tribunal determines otherwise.

Majority decision

7. In the event of disagreement between the members of a complaints tribunal any matter under consideration shall be decided by a simple majority.

Other procedural matters

8. Except as otherwise provided by Schedule 1 and paragraphs 1 to 7, all matters relating to the procedure on the hearing or determination of complaints shall be determined by the complaints tribunal.

EXPLANATORY NOTE

(This is not part of the Regulations.)

Under Article 25 of the Education (Northern Ireland) Order 2006 (the 2006 Order), the EA is required, in accordance with Regulations, to appoint a complaints tribunal to hear and determine any complaint made on or after the coming into operation of that Article which is to the effect that the EA or Board of Governors of a relevant school has acted or is proposing to act unreasonably with respect to the exercise of any power conferred or the performance of any duty imposed on it by or under-

- a) Part II of the 2006 Order (The Curriculum);
- b) Articles 148-149 of the 1989 Order; or
- c) any other statutory provision relating to the curriculum for grant-aided schools;
- d) any statutory provision relating to collective worship in grant-aided schools; or
- e) Article 46A of the 1986 Order (commencement of secondary education)

or has failed to discharge any such duty.

Articles 148-149 of the 1989 Order relate to training.

These Regulations provide for the constitution and procedure of complaints tribunals.

Regulation 3 provides that a complaints tribunal shall be constituted in accordance with Schedule 1 and regulation 4 provides for the procedure of a complaints tribunal to be in accordance with Schedule 2. Regulation 5 sets out the regulations that have been revoked.

Paragraphs 1, 2 and 3 of Schedule 1 relate to the size and membership of complaints tribunals and paragraph 4 provides for the election of a chairman of a complaints tribunal. Paragraph 5 disqualifies certain persons or descriptions of persons from membership of a complaints tribunal.

Paragraphs 1 and 2 of Schedule 2 deals with the form of a complaint and the normal timescales within which it will be heard. Paragraphs 3 and 4 provide for the

complainant and the respondent to make written representations and to appear before a complaints tribunal to make oral representations. Paragraph 5 provides that the chairman of a complaints tribunal shall determine the order of oral representations to be made and paragraph 6 provides for complaints to be heard in private except where the EA determines otherwise. Paragraph 7 provides that in the event of disagreement between members of a complaints tribunal any matter under consideration shall be decided by a simple majority and paragraph 8 provides for all other matters relating to the procedure on the hearing or determination of complaints to be determined by the complaints tribunal.