1992 No. 457

EDUCATION

Curriculum (Complaints Tribunals) Regulations (Northern Ireland) 1992

Made . . . . . *22nd October 1992*

Coming into operation . . *20th November 1992*

The Department of Education, in exercise of the powers conferred on it by Article 33(1) and (3) of the Education Reform (Northern Ireland) Order 1989(**a**) and of every other power enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Curriculum (Complaints Tribunals) Regulations (Northern Ireland) 1992 and shall come into operation on 20th November 1992.

Interpretation

2. In these Regulations "complaint" means a complaint to which Article 33(1) of the Education Reform (Northern Ireland) Order 1989 applies.

Constitution of a complaints tribunal

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

Procedure of a complaints tribunal

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

Sealed with the Official Seal of the Department of Education on 22nd October 1992.

(L.S.) *C. Jendoubi (Mrs.)*
Assistant Secretary

(**a**) S.I. 1989/2406 (N.I. 20)

SCHEDULE 1 Regulation 3

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 board from a panel of persons established by the board for that purpose.

2. The persons on a panel referred to in paragraph 1 shall comprise:

(*a*) persons appearing to the board to represent the interests of controlled schools in the area of the board;

(*b*) persons appearing to the board, after consultation with the Council for Catholic Maintained Schools and such other bodies as the board considers appropriate, to represent the interests of maintained and voluntary schools in the area of the board and persons appearing to the board to represent the interests of grant-maintained integrated schools in the area of the board;

(*c*) persons who have experience in education, are acquainted with the educational arrangements in the area of the board, or are the parents of registered pupils at a relevant school;

but shall not include any person employed by the board otherwise than as a full-time teacher.

3. The membership of a complaints tribunal shall comprise—

(*a*) one person falling within the category of persons mentioned in paragraph 2(*a*);

(*b*) one person falling within the category of persons mentioned in paragraph 2(*b*); and

(*c*) one person falling within the category of persons mentioned in paragraph 2(*c*).

Chairman

4. The members of a complaints tribunal shall elect one of their number to be chairman 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 the board 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 officer of the board against which the complaint is being made, or he was such an officer 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 whose Board of Governors 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 whose Board of Governors 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 officer or employee of the Department.

SCHEDULE 2 Regulation 4

Procedure of a Complaints Tribunal

Complaint

1. A complaint against a board or a Board of Governors of a relevant school shall be by notice in writing, setting out the grounds on which it is made.

Representations

2. 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.

3. 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 Representations

4. The chairman of a complaints tribunal shall determine the order of the oral representations to the tribunal.

Hearing

5. A complaint shall be heard in private except where the board determines otherwise.

Votes

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

Other procedural matters

7. Subject to paragraph 4 of Schedule 1 and paragraphs 1 to 6, all matters relating to the procedure on the hearing or determination of complaints shall be determined by the board.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

Under Article 33 of the Education Reform (Northern Ireland) Order 1989 (the 1989 Order), each education and library board 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 board 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 III of the 1989 Order (The Curriculum);

(*b*) Articles 147-149 of the 1989 Order (in the case of a board only); or

(*c*) any other statutory provision relating to the curriculum for grant-aided schools;

or has failed to discharge any such duty.

Articles 147-149 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.

Paragraphs 1 to 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. Paragraphs 2 and 5 disqualify certain persons or descriptions of persons from membership of a complaints tribunal.

Paragraph 1 of Schedule 2 deals with the form of a complaint. Paragraphs 2 and 3 provide for the complainant and the respondent to make written representations and to appear before a complaints tribunal to make oral representations. Paragraph 4 provides that the chairman of a complaints tribunal shall determine the order of oral representations to be made and paragraph 5 provides for complaints to be heard in private except where the board determines otherwise. Paragraph 6 provides that in the event of disagreement between members of a complaints tribunal any matter under consideration shall be decided by a simple majority of the votes cast and paragraph 7 provides for all other matters relating to the procedure on the hearing or determination of complaints to be determined by the board.