EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL DEVELOPMENT PLANS) REGULATIONS (NORTHERN IRELAND) 2010

SR 2010 No. 395

1. Introduction

1.1. This Explanatory Memorandum has been prepared by the Department of Education to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the Education (NI) Order 1998 and is subject to the Assembly negative resolution procedure.

2. Purpose

2.1. The Regulations specify the requirements relating to the preparation of school development plans (SDPs), including the matters to be addressed in a school development plan, the period a plan is to have effect for, the arrangements for publishing the SDP and the timescale for reviewing SDPs.

3. Background

3.1. Article 13(3) of the Education (NI) Order 1998 places a duty on Boards of Governors, through the scheme of management, to prepare, and periodically revise, a school development plan. In doing so, Boards of Governors are required to consult the principal and consider any guidance provided by the Department of Education, the Education & Library Boards, and, in the case of Catholic maintained schools, the Council for Catholic Maintained Schools (CCMS), and also any inspection findings.

3.2. Using powers provided by Article 13(3), the Department previously made regulations setting out the requirements relating to the preparation of school development plans. The regulations aimed to bring consistency to the content of school development plans and to provide a framework for schools to monitor, evaluate and improve the nature of curricular and other provision and the standards achieved by pupils.

3.3. The Department published Every School a Good School – A Policy for School Improvement in April 2009, which emphasises the importance of self-evaluation leading to sustained self-improvement. The policy includes a commitment by the Department to review the requirements relating to school development planning and to update the supporting guidance material. The overall aim is to promote effective development planning to bring about improvement in standards and ensure that the focus of school development planning is on raising standards, particularly in literacy and numeracy; planning for improvement is supported by planning for the effective use of financial and other resources; and the process of self-evaluation and development planning is manageable and provides flexibility for schools to determine their own priorities.

3.4. This Statutory Rule is being made to amend the existing school development plans regulations and give effect to revised requirements being introduced as a result of the review. The Regulations will come into operation on 6 December 2010 and will apply to school development plans being prepared or revised after that date. Schools can continue to use existing school development plans and will not be required to make immediate changes as a result of these regulations.

3.5. The arrangements for publishing school development plans will be amended when the Education Bill is approved by the Assembly to require schools to provide a copy of their plan to the Education & Skills Authority, which will subsume the functions of the Education and Library Boards and the Council for Catholic Maintained Schools.

4. Consultation

4.1. The Department consulted on draft regulations with schools, educational bodies, equality groups and the Education Committee from 2nd February until 26th March 2010 and responses were received from 77 organisations and individuals. In general, responses were broadly supportive of the revised regulations. TThe main issues arising related to the manageability of the process and clarity of drafting of the schedule, the need for schools to have support and guidance in preparing SDPs, and the proposed inclusion of a requirement to promote sustainable development through the SDP. The draft regulations were therefore revised further in light of consultation feedback to ensure grearter clarity and simplicity. In response to consultation feedback, the Department decided not to proceed with a proposed statutory requirement relating to the provision for promoting sustainable development and decided instead to adopt a non-statutory approach. Revised guidance material will be provided in support of the regulations, accompanied by advice, guidance and professional development provided by the Education & Library Boards and, in the case of Catholic maintained schools, the Council for Catholic Maintained Schools.

5. Equality Impact

5.1. The Department screened the Rule for Equality and Human Rights impact, and determined that an Equality Impact Assessment was not required as there would be no differential or adverse impacts.

6. Regulatory Impact

6.1. As the Rule relates to pupil assessment and associated reporting arrangements with no costs to businesses, charities, social economy enterprises or voluntary bodies, the Department determined that a Regulatory Impact Assessment was not required.

7. Financial Implications

7.1. None. School development planning is an established and ongoing element of schools' working arrangements and essential to ensure effective use by schools of their financial and other resources.

8. Section 24 of the Northern Ireland Act 1998

8.1. The Department's legal adviser has confirmed that the Rule complies with Section 24 of the Northern Ireland Act 1998.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

10.1. Not applicable.

11. Additional Information

11.1. Not applicable.