1994 No. 342

EDUCATION

Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1994

Made	*5th September 1994*
Coming into operation	*5th September 1994*

The Department of Education, in exercise of the powers conferred on it by Article 38(6) 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 Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1994 and shall come into operation on 5th September 1994.

Interpretation

2. In these Regulations—

"assessment arrangements" has the meaning given by Article 7(3) of the 1989 Order;

"key stage 2" means the key stage as defined by Article 5(6)(*b*) of the 1989 Order;

"preference" means a preference expressed by a parent as to the school at which he wishes education to be provided for his child by virtue of Article 36(1) or (5) of the 1989 Order;

"relevant assessment" means an assessment of a pupil required by Article 6(3) of the 1989 Order;

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

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

"the criteria" means the criteria to be drawn up under Article 38(1) of the 1989 Order;

"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.

(a) S.I. 1989/2406 (N.I. 20) to which there are amendments not relevant to the subject matter of these Regulations

Application

3. Save as otherwise herein provided these Regulations shall apply to all grant-aided secondary schools.

Matters to be included in criteria

4. The criteria shall include the following matters:

(*a*) the order of priority in which pupils shall be admitted to the school where the number of applications for admission exceeds the school's admissions number for any school year;

(*b*) where a grammar school includes in its criteria the transfer procedure test grade achieved by pupils, a provision that, without regard to the order in which preferences are expressed by the parents of any child, but subject to regulation 6 and to the consideration by the Board of Governors of medical or other problems which may have affected a child's performance in a test and which are supported by documentary evidence of a medical or other appropriate nature—

a pupil who achieved the transfer procedure test Grade A shall be admitted in preference to a pupil with any other grade;

a pupil who achieved the transfer procedure test Grade B shall be admitted in preference to a pupil who achieved a transfer procedure test Grade C or Grade D.

Matters not to be included in criteria

5. The criteria shall not include the following matters:

(*a*) provision for the selection of pupils by reference to ability or aptitude except in the case of a grammar school or a school which on the day of the coming into operation of these Regulations was recognised by the Department as one which selects some of its pupils by reference to ability or aptitude;

(*b*) the performance of any pupil in a test or examination held by, or on behalf of, the Board of Governors other than a test or examination held by a board at the request of the Board of Governors of a grammar school;

(*c*) the outcome of any relevant assessment which may be conducted in accordance with assessment arrangements made by the Northern Ireland Council for the Curriculum, Examinations and Assessment in relation to a pupil in key stage 2 in the 1995/96 school year or in any subsequent school year;

(*d*) the outcome of any pilot assessment conducted in relation to a pupil in key stage 2 in the 1992/93 school year, the 1993/94 school year or the 1994/95 school year for the purpose of making assessment arrangements.

Boarding pupils in grammar schools

6.—(1) This regulation applies to a grammar school which includes in its criteria the transfer procedure test grade achieved by pupils and which has a

boarding department on the day on which these Regulations come into operation.

(2) A school to which this regulation applies may also include in its criteria a provision that in selecting pupils by reference to their transfer procedure test grade priority shall be given to pupils who intend to board at the school without regard to the grades which have been achieved in that test by pupils seeking admission to the school but such a provision may be included in the criteria only so long as the number of pupils enrolled in the boarding department of the school does not exceed the number so enrolled on the day on which these Regulations come into operation.

Revocations

7. The following Regulations are hereby revoked—

(*a*) the Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1990(**a**);

(*b*) the Secondary Schools (Admissions Criteria) (Amendment) Regulations (Northern Ireland) 1993(**b**).

Sealed with the Official Seal of the Department of Education on 5th September 1994.

(L.S.) *J. S. Smith*
Assistant Secretary

(**a**) S.R. 1990 No. 328
(**b**) S.R. 1993 No. 376

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations revoke and replace the Secondary Schools (Admissions Criteria) Regulations (Northern Ireland) 1990, as amended by the Secondary Schools (Admissions Criteria) (Amendment) Regulations (Northern Ireland) 1993.

Article 38 of the Education Reform (Northern Ireland) Order 1989 requires the Board of Governors of each grant-aided school to draw up the criteria to be applied in selecting pupils for admission to the school. It also enables the Department to make Regulations providing for the criteria to include, or not to include, such matters or matters of such description as are specified.

These Regulations specify matters to be included, and matters not to be included, in the criteria for admission to secondary schools.

Regulation 4 specifies matters which the criteria shall include.

Regulation 5 specifies matters which the criteria shall not include.

Regulation 6 makes special provision about matters which grammar schools having a boarding department may include in their criteria.

The principal changes are as follows:

1. The definition of transfer procedure test grade takes account of the change of responsibility for administering the tests from the Department of Education to the Northern Ireland Council for the Curriculum, Examinations and Assessment from 1st September 1994.
2. Grant-aided secondary schools are prohibited from including in their admissions criteria the outcome of any assessments of primary school pupils in key stage 2 in the 1995/96 school year and subsequently or the outcome of any pilot assessment of such pupils in the 1992/93, 1993/94 or 1994/95 school years.