



**Scheme for the Management
of
Controlled Schools**

**EDUCATION AUTHORITY
SCHEME FOR THE MANAGEMENT OF CONTROLLED SCHOOLS**

ARRANGEMENT OF SCHEME

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NOTE:

“Every School A Good School – the Governors Role” contains additional information about the legislation that affects the roles and responsibilities of school Boards of Governors.

“Every School A Good School – the Governors Role” is accessible on the DE website.

Chapters 5 and 9 are relevant to employment issues.

PART I – CITATION

- 1.** The Education Authority (“the Authority”) in pursuance of Article 9B of the Education and Libraries (Northern Ireland) Order 1986 and after the consultation required by Article 9B (1) of that Order has prepared the following Scheme providing for:-
 - (a) the membership and procedure of the Board of Governors of a controlled school;
 - (b) the management of each such school;
 - (c) the functions to be exercised in relation to each such school by the Board of Governors, committees of the Board of Governors and the principal;
 - (d) the relationship between the Board of Governors and the Controlled Schools’ Support Council, where applicable; and
 - (e) such other matters as are required or authorised by the Education Orders to be included in or regulated by the Scheme.

- 2.** Each school shall be conducted in accordance with:
 - (a) the provisions of the Education Orders;
 - (b) the terms of this Scheme;
 - (c) any direction or guidance of the Authority in so far as it does not conflict with paragraph (a) of this Article;
 - (d) any regulations or Orders made by the Department;
 - (e) any direction or guidance issued by the Department.

PART II – INTERPRETATION

3. (1) In this Scheme, unless the context otherwise requires:

“Authority” means the Education Authority established under the Education Act (NI) 2014;

“Chief Executive” means the Chief Executive of the Authority;

“committee” means a committee established under Article 23 of this Scheme;

“Common Funding Scheme” means the scheme prepared and adopted by the Department of Education in accordance with Part (II) of the 2003 Order;

“controlled school” means a grant aided school under the management of the Education Authority;

“Controlled Schools’ Support Council “ means the body that is recognised by the Department of Education under section 4 of the Education Act (NI) 2014 as representing the interests of controlled schools and which is in receipt of grants from the Department;

“co-opted member” means a member who has been co-opted under Article 122 or 139 of the 1989 Order;

“DE” means the Department of Education;

“DHSSPS” means the Department of Health, Social Services and Public Safety;

“in committee proceedings” means that part of a meeting which is to be kept private;

“meeting” means a meeting of the Board of Governors or as the case may be a committee of the Board of Governors established under Article 23 of this Scheme;

“member” means a member of the Board of Governors or as the case may be a member of a committee established under Article 24 of the Scheme;

“non-school activities” means activities, other than school activities, carried on wholly or mainly under the management or control of the Board of Governors;

“parent”, in relation to a child or young person, includes any person;

a) who is not a parent of his or hers but who has parental responsibility (as defined by the Children (NI) Order 1995) for him or her, or;

b) who has care of him or her;

“principal” means the principal of the school;

“Scheme” means this Scheme of Management;

“school” means the schools referred to in Article 1(a) of this Scheme;

“secretary” means the secretary to the Board of Governors or to a committee of the Board of Governors, who is appointed under Article 45 of the Scheme;

“Authority Teaching Appointments Scheme” means a Scheme prepared and from time to time revised by the Authority under Article 153 (1) of the 1989 Order (as amended) for the procedures to be followed in relation to the appointment by the Authority of teachers to posts in controlled schools;

“the 2014 Act” means the Education (NI) Act 2014;

“the Department” means the Department of Education;

“the Education Orders means the 1986, 1989, 1993, 1996, 1997, 1998, 2003 2005 and 2006 Orders (as amended);

“the 1986 Order” means the Education and Libraries (NI) Order 1986;

“the 1989 Order” means the Education Reform (NI) Order 1989;

“the 1993 Order” means the Education and Libraries (NI) Order 1993;

“the 1996 Order” means the Education (NI) Order 1996;

“the 1997 Order” means the Education (NI) Order 1997;

“the 1998 Order” means the Education (NI) Order 1998;

“the 2003 Order” means the Education and Libraries (NI) Order 2003;

“the 2005 Order” means the Special Educational Needs and Disability (NI) Order 2005;

“the 2006 Order” means the Education (NI) Order 2006;

“voting member of the Board of Governors” means a member other than the principal or a co-opted member;

“voting member of a committee” means a member entitled to vote at a committee meeting under Article 55(1) of this Scheme.

(2) The Interpretation Act (NI) 1954 shall apply to the interpretation of this Scheme.

PART III – MEMBERSHIP OF THE BOARD OF GOVERNORS

Membership

4. Subject to Article 13 of the 1986 Order, Articles 122 and 139 of the 1989 Order, Article 14 of the 1998 Order and Article 23 of the 2003 Order, each Board of Governors of a controlled school, shall be appointed by the Authority in accordance with the provisions of Article 10 and Schedule 4 to the 1986 Order.

Acceptance of Membership

5. Every member shall, at or before or within one month after the first meeting of which he/she is notified, sign a declaration of his/her acceptance of membership in accordance with the terms of the Scheme for the management of the school. A newly appointed governor shall not be entitled to act as a member until he/she has signed such a declaration and, if he/she fails to do so within the above timescale, his/her membership shall be void.

Disqualification for Membership

6. (1) A person, other than the principal or a teacher elected in accordance with the relevant provisions of Schedule 4 to the 1986 Order, who:
 - (a) is employed for gain solely in the school for the purposes of the school or, for the purposes of non-school activities; or
 - (b) has within the five years before the first day that his/her membership could have taken effect or at any time thereafter been convicted by a court in Northern Ireland or elsewhere in the British Islands of any offence and has had passed on him/her a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine; or
 - (c) is the subject of a bankruptcy restrictions order (or interim order) or a debt relief restrictions order;shall not be a member of the Board of Governors of the school.
- (2) (a) Where a person is disqualified from membership by reason of his/her having been adjudged bankrupt, that disqualification shall cease –
 - (i) unless the bankruptcy order made against that person is previously annulled, on the date of his/her discharge from bankruptcy; and
 - (ii) if the bankruptcy is so annulled, on the date of the annulment.

- (b) Where a person is disqualified by reason of his/her having made a composition or arrangement with his/her creditors and he/she pays his/her debts in full, the disqualification shall cease on the date on which the payment is completed and in any other case it shall cease on the expiration of five years from the date on which the terms of the deed of composition or arrangement are fulfilled.

Term of Office

7. Subject to Article 8(2) to (4) of this Scheme and to Article 13(4) of the 1986 Order and Article 23 of the 2003 Order, the term of office of voting and co-opted members shall normally be for a specified period of not more than four years, to coincide with the term of members of the Authority, provided that voting members shall remain in office until their successors are appointed. Any voting or co-opted member, whose term of office expires, shall be eligible for appointment unless he/she is disqualified or otherwise ineligible.

Termination of Membership

8. (1) A voting or co-opted member may resign by giving written notice to the Chief Executive.
- (2) A member nominated by the Authority who is also a member of the Authority shall, unless the Authority otherwise determines, cease to be a member if he/she ceases to be a member of the Authority.
- (3) Where a voting or co-opted member is absent from three consecutive meetings of the Board of Governors, or for six months consecutively, whichever is the greater period, the secretary shall report the matter at the next meeting and, unless the Board of Governors is satisfied that his/her failure to attend was occasioned by illness or other unavoidable cause, the member shall be deemed to have resigned his/her membership and shall cease to be a member.
- (4) A member other than the principal or teacher elected in accordance with the relevant provisions of Schedule 4 to the 1986 Order who:
- (a) subsequently becomes an employee of the school for which the Board of Governors is appointed, in accordance with the terms of Article 6(1)(a) of this Scheme; or
 - (b) is subsequently convicted of an offence and sentenced by a court, in accordance with the terms of Article 6(1)(b) of this Scheme; or
 - (c) subsequently is the subject of a bankruptcy restrictions order (or interim order) or a debt relief restrictions order, in accordance with the terms of Article 6(1)(c) of this Scheme;

shall thereupon cease to be a member of the Board of Governors.

Vacancies

9. A vacancy occurring among the voting members, or members co-opted under Article 139 of the 1989 Order, shall be filled as soon as practicable by a person nominated, elected, chosen or co-opted by the persons or body entitled to nominate, elect, choose or co-opt him/her and that person shall hold office on the same terms as those members. Where a person co-opted under Article 122 of the 1989 Order ceases to be a member, the Board of Governors may co-opt another person in his/her place and that person shall hold office on the same terms as the person so replaced.

PART IV – FUNCTIONS OF THE BOARDS OF GOVERNORS

General

10. (1) In addition to its statutory functions, and subject to the provisions of the Education Orders and regulations, orders and directions made thereunder and to the provisions of schemes under the Education Orders; including the Common Funding Scheme and funding arrangements for Special Schools, the Board of Governors shall manage and control the school for which it is appointed in accordance with this Scheme.
- (2) The Board of Governors of each controlled school shall at its first meeting after the approval by the Department of this Scheme and no later than 6 months from the date of such approval consider whether or not it wishes to become a member of the Controlled Schools' Support Council. In the event that it resolves so to do, the resolution shall be recorded in writing and an application for membership shall be made in the form required by the Directors of the Controlled Schools' Support Council.
- (3) The Board of Governors of a controlled integrated school shall use its best endeavours, in exercising its functions under the Education Orders, to ensure that the management, control and ethos of the school are such as are likely to attract to the school, reasonable numbers of both Protestant and Roman Catholic pupils.

Appointment of Teachers and Other Staff

11. The functions of the Board of Governors in relation to the appointment of teachers under a scheme under Article 153 of the 1989 Order, and the appointment of non-teaching staff under Article 88 of the 1986 Order, shall be carried out on behalf of, and in the name of, the Authority and in accordance with both these Articles and any procedures issued from time to time by the Authority.

12. School Development Plans

- (1) Subject to regulations made under Article 13(3) of the 1998 Order, and the Education (School Development Plans) Regulations Northern Ireland) 2010, the Board of Governors shall prepare, and from time to time revise, a school development plan.
- (2) In preparing or revising a school development plan, the Board of Governors shall –
 - (a) consult the principal of the school;
 - (b) consider –
 - (i) any guidance given by the Department and the Authority;
 - (ii) the findings of any inspection of the school under Article 102 of the 1986 Order; and
 - (iii) any representations made to it by the Controlled Schools' Support Council.
- (3) A school development plan shall be published by—
 - (a) a copy of the plan being provided to each member of the Board of Governors of the school, to the principal of the school and to each member of the teaching and non-teaching staff of the school;
 - (b) a copy of the plan being provided to the Authority;
 - (c) a copy of the plan being provided to the Controlled Schools' Support Council; and
 - (d) a copy of the plan being made available on request at all reasonable times, free of charge, to any person.

Admissions of Pupils to School

- 13.** The Board of Governors shall exercise its functions in relation to making arrangements for the admissions of pupils, drawing up criteria to be applied in the selection of pupils and the application of admissions and enrolment numbers as required by Part III of the 1997 Order (as amended).

Determination of Curriculum Policy and of the Curriculum

- 14.** (1) The Board of Governors shall –
- (a) determine, and keep under review, its policy in relation to the curriculum for the school; and
 - (b) make, and keep up to date, a written statement of that policy.

- (2) When determining or reviewing its policy in relation to the curriculum for the school the Board of Governors shall –
 - (a) take account of the findings of any inspection of the school under Article 102 of the 1986 Order;
 - (b) take account of any representations made to it regarding the curriculum by the Authority and any other body or person connected with the community served by the school;
 - (c) take account of any representations made to it regarding the curriculum by the Controlled Schools’ Support Council; and
 - (d) consult the principal before making or varying any statement made by it under paragraph (1) (b).
- (3) The Board of Governors shall consult the principal of the school before making or varying any statement under paragraph (1) (b).
- (4) The Board of Governors shall allocate to the principal such functions as will, subject to the resources available, enable him/her to determine and organise the curriculum in accordance with the curriculum policy for the school determined under paragraph (1) of this Article and secure that it is followed within the school.
- (5) The Board of Governors shall furnish a copy of every statement made by it under paragraph (1) (b) to:
 - (a) the Authority; and
 - (b) the Controlled Schools’ Support Council.

Pupil Discipline – Duty of the Board of Governors

- 15.** The Board of Governors shall ensure that policies designed to promote good behaviour and discipline on the part of its pupils are pursued at the school. In particular it shall:
 - (a) make, and from time to time review, a written statement of general principles of which the principal is to have regard in determining any measures under Article 30(1) (a) of this Scheme;
 - (b) before making or revising that statement -
 - (i) consult (in such manner as appears to it to be appropriate) the principal and the registered pupils and parents of registered pupils at the school; and
 - (ii) consider any guidance given by the Department and the Authority;

- (c) where it considers it desirable that any particular measures should be determined by the principal (under Article 30(1)(a) of this Scheme or that he/she should have regard to any particular matters, the Board of Governors shall -
 - (i) notify him/her of those measures or matters; and
 - (ii) give him/her such guidance as it considers appropriate.

Pupil Suspension and Expulsion

- 16.** The Board of Governors shall ensure that a scheme prepared by the Authority, specifying the procedure to be followed in relation to the suspension or expulsion of pupils from school in accordance with Article 49 of the 1986 Order (as amended by Article 39 of the 1993 Order), is implemented when necessary.

The Principal

- 17.** (1) The Board of Governors shall:
- (a) assist the principal in such manner as is reasonably necessary to enable him/her to control the internal organisation, management and discipline of the school subject to such directions as may from time to time be given by the Board of Governors; and
 - (b) provide the principal with the opportunity to enable him/her to express his/her opinions and to make his/her recommendation to the Board of Governors (in writing if so required) on all matters connected with the school including the appointment and removal of non-teaching staff.
- (2) Unless the Authority otherwise approves, nothing in paragraph (1) shall apply to non-teaching staff employed in the school whenever the Board of Governors has no delegated responsibility for those staff under Article 58 of the 1998 Order.
- 18.** The Board of Governors shall encourage –
- (a) the principal to promote regular communication between teachers and parents of pupils;
 - (b) the principal to maintain regular communication and consultation with his/her teachers on the management of the school, curricular matters and on matters relating to the education, health and welfare and discipline of the pupils;
- and shall through the principal's reports be regularly informed on the above matters.

Annual Report of the Board of Governors

- 19.** (1) The Board of Governors shall, during the autumn term of every school year prepare a report in respect of the previous school year containing a summary of the steps taken by the Board of Governors in the discharge of its functions since its last report.
- (2) The report shall –
- (a) be as brief as is reasonably consistent with the requirements as to its contents;
 - (b) give the name of each member of the Board of Governors and indicate into which of the following categories he/she falls, namely –
 - (i) members nominated by the transferors and superseded managers of the school;
 - (ii) where appropriate, members nominated by the Boards of Governors of contributory schools from amongst members of those Boards of Governors who have been nominated by transferors and superseded managers;
 - (iii) members elected by parents;
 - (iv) members elected by teachers;
 - (v) members nominated by the Authority;
 - (vi) members nominated by the Head of Department of Education;
 - (vii) members co-opted under Article 122 of the 1989 Order;
 - (viii) members co-opted under Article 139 of the 1989 Order;
 - (ix) the principal;
 - (c) give, in relation to each member (other than the principal) the date on which his/her term of office comes to an end;
 - (d) name of the Chairperson of the Board of Governors and its secretary;
 - (e) give such information as is available to the Board of Governors about arrangements for the next election of parents to the Board of Governors;

- (f) contain a financial statement –
 - (i) reproducing or summarising any financial statement of which a copy has been furnished to the Board of Governors by the Authority under the Education Orders since the last report was prepared;
 - (ii) indicating, in general terms, how any sum made available to the Board of Governors by the Authority in respect of the school's budget share (within the meaning of Part II of the 2003 Order in that period was used;
 - (iii) giving details of the application of any gifts or bequests made to the school in that period;
 - (iv) giving details of the application of any other monies coming into the school from whatever source;
 - (g) describe what steps have been taken by the Board of Governors to develop or strengthen the school's links with the community;
 - (h) describe in general terms -
 - (i) the arrangements made for the security of the pupils and staff of the school and the school premises; and
 - (ii) any changes to those arrangements since the last report was prepared;
 - (i) give such information as is required to be made available in accordance with regulations under Article 24(2) (a) of the 2006 Order;
 - (j)
 - (i) describe the arrangements made and facilities provided for special educational needs (SEN) and disabled pupils including any special admission arrangements which the governors have made and the steps to be taken to ensure that pupils with special educational needs or disabilities are treated no less favourably than other pupils under Article 8 of the 1996 Order;
 - (ii) describe the steps taken to ensure the implementation of their special educational needs (SEN) policies in accordance with Article 9 of the 1996 Order; and
 - (iii) include information as to the facilities provided to assist access to the school by disabled pupils and the accessibility plan for the school.
- (3) The Board of Governors may produce its report(s) in such language or languages (in addition to English) as it considers appropriate.

- (4) The Board of Governors shall take such steps as are reasonably practicable to secure that –
 - (a) the parents of all registered pupils at the school, all persons employed at the school, the Chief Executive of the Authority and the Controlled Schools' Support Council are given (free of charge) a copy of its report; and
 - (b) copies of that report are available for inspection (at all reasonable times and free of charge) at the school.

20. School Inspections

- (1) The Board of Governors shall convene a meeting with the Reporting Inspector, and, if relevant, any other member of the Inspection Team, before each general or focused inspection of the school takes place for the purpose of making the Board of Governors' views about the school known to the Inspection Team.
- (2) The procedure for a meeting convened under paragraph (1) of this Article shall be as set out in Schedule 1 to this Scheme.
- (3) After each general or focused inspection of the school, the Board of Governors shall –
 - (a) ensure that the parents of its registered pupils have the opportunity to read the report of the latest inspection of the school. Parents must receive details of the web-link to the ETI report in a letter from the school. In addition, information should be on the school notice-board of when and where parents will have the opportunity to read a paper copy of the report, should they wish to do so; and
 - (b) within 3 months of receiving the Inspection Report prepare its response to the Report which shall set out the action which the Board of Governors intends to take.
- (4) After any other inspection the Board of Governors shall provide, on request, a copy of the Inspectorate's findings to the parents of all registered pupils at the school.

21. School Premises

- (1) Subject to any direction given to it by the Authority, the use of the school premises shall be under the control of the Board of Governors at all times.
- (2) The Board of Governors shall from time to time and not less than once in each school year inspect the premises and equipment of the school and shall

submit an annual report to the Chief Executive about the condition and state of repair thereof.

- (3) The Board of Governors shall draw to the attention of the Authority any need which, in its judgement, exists for alternations or extensions to the premises of the school.
- (4) The Board of Governors may at any time submit proposals to the Authority relating to any repairs, maintenance or equipment considered necessary for the school for which the Board of Governors has no delegated responsibility under a scheme approved under the Education Orders, and may authorise the principal to submit urgent proposals directly to the Authority.
- (5) The Board of Governors may, if authorised by the Authority, incur reasonable expenditure on emergency works of repair and maintenance to the school premises for which the Board of Governors has no delegated responsibility under a scheme approved under the Education Orders, but shall not otherwise have any power to carry out such works.
- (6) The Board of Governors shall afford to authorised officers of the Authority necessary access to the premises of the school for the proper discharge of the duties of the Authority in relation to the school.

Power of Chairperson or Vice Chairperson of the Board of Governors to act in cases of urgency

- 22.**
- (1) The Chairperson or, if he/she cannot be contacted, the Vice Chairperson of the Board of Governors of a school shall, in the circumstances mentioned in paragraph (2) and subject to paragraph (3) below, have power to discharge any function of the Board of Governors.
 - (2) The circumstances are that the deferment of the function to the earliest date when it would be practicable to convene a Board of Governors meeting would be likely to be seriously detrimental to the interests of the school, or the interests of any registered pupil at the school, his/her parent, or a person employed at the school.
 - (3) The exercise under paragraph (1) of a function under Schedule 2 to the 1998 Order shall only be undertaken after consultation with the Chief Executive of the Authority and shall be confirmed to him/her in writing as soon as possible. The exercise of any other function under paragraph (1) shall only be undertaken after consultation with the principal.

The exercise of power under paragraph (1) shall be reported to a meeting to the Board of Governors which shall be convened at the earliest date on which it would be reasonably practicable for a meeting of the Board of Governors to be held.

PART V – COMMITTEES OF THE BOARD OF GOVERNORS

Functions of a Committee

23. (1) The Board of Governors may establish such committees, including a Finance Committee, as it considers necessary and may –
- (a) subject to paragraphs (2) and (3), delegate to such committee such of its functions as it considers desirable **except** functions relating to powers conferred or duties imposed by or under the following provisions –
 - (i) Articles 4, 12 and 13 of the 2006 Order which relate to duties with respect to the curriculum;
 - (ii) Article 13 (3A) and (3B) of the 1986 Order – appointment of parent governors – and Articles 122 and 139(5) of the 1989 Order – co-option of members to the Board of Governors;
 - (iii) Article 17 (3) of the 1997 Order and Article 24 of the 2006 order which relate to the provision and publication of information;
 - (iv) Article 16 of the 1997 Order which relates to drawing up, and from time to time amending, the criteria for selecting pupils for admission to the school;
 - (v) Articles 69 and 91 of the 1989 Order which relate to the initiation of procedures for the acquisition of either grant maintained or controlled integrated status;
 - (vi) Article 3(2)(a) and (b) of the 1998 Order as amended by the 2003 Order which relates to the making and reviewing of a statement of general principles concerning pupil discipline;
 - (vii) Article 125 of the 1989 Order in so far as approval of the annual report of the Board of Governors is concerned;
 - (viii) Article 131 of the 1989 Order which relates to determining and keeping under review charging and remissions policies;
 - (ix) Article 9 of the 1996 Order, which relates to the policy of the Board of Governors in relation to the provision of education for pupils with special educational needs;
 - (x) Article 13 of the 1998 Order, which relates to the preparation and revision of a school development plan;
 - (xi) Article 42 of this Scheme which relates to the election of Chairperson and Vice Chairperson of the Board of Governors;
 - (xii) Article 34(3) of this Scheme in so far as it relates to the convening of meetings of a Board of Governors;

- (xiii) Article 58(1)(a) and paragraph 2 of Schedule 2 of the 1998 Order which relates to the determination of staffing complements at schools with delegated budgets;
- (xiv) Article 18 of the 2003 Order, which relates to the determination and review of measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to protecting pupils from abuse (whether at school or elsewhere);
- (xv) Part II of the 2003 Order, which relates to the management of the school's budget share of the Common Funding Scheme and conditions thereunder, in so far as it relates to:
 - The finalisation and formal approval of the school's annual and triennial financial plans;
 - The setting of the levels of expenditure that may be authorised by a committee, the principal or bursar; and
 - The formal approval of arrangements for the investigation of financial irregularities;
- (xvi) Approval for the annual budget proposals;
- (xvii) This Article of this Scheme which relates to the delegation of functions to a committee;

(b) refer any matters within its purview to such a committee for consideration and report.

- (2) Subject to the Education Orders the financial functions of the Board of Governors may not be delegated to a committee, other than the Finance Committee of the Board of Governors.
- (3) The functions to be delegated to a committee under this Article shall not, unless the Board of Governors otherwise determines, include the power to take decisions on behalf of or in the name of the Board of Governors without the approval of the Board of Governors.

Membership of a Committee

- 24. (1) Subject to the following provisions of this Article the membership of a committee established under Article 23 of this Scheme shall be determined by the Board of Governors and may include persons who are not members of the Board of Governors.
- (2) A committee established under Article 23 of this Scheme apart from the committee established to consider appeals against staff dismissed shall include not less than 3 voting members of the Board of Governors, for primary, nursery, special and post primary schools.

- (3) The members of the Finance Committee of the Board of Governors shall consist entirely of members of the Board of Governors, the majority of whom shall be voting members of the Board of Governors. (Article 35(5) of this Scheme does, however, allow a member of staff of the school with responsibility for any aspect of school finance to attend a meeting of this Committee on invitation and subject to certain conditions).
- (4) The majority of the members of a committee to which functions of the Board of Governors under paragraph 5 of Schedule 2 to the 1998 Order are delegated shall be voting members of the Board of Governors.
- (5) Where a committee to which functions of the Board of Governors under paragraph 5 of Schedule 2 to the 1998 Order are delegated, takes any decision as to the dismissal of a member of staff, no member of that committee shall take part in the proceedings of any committee established to consider any appeal against that decision.
- (6) (a) A committee established to carry out functions under the Authority Teaching Appointments Scheme shall consist only of voting members of the Board of Governors.

(b) The membership of such a committee shall consist of a minimum of three voting members of the Board of Governors, at least one of whom, in the case of primary schools and secondary schools other than grammar schools, shall normally be a member nominated by transferors or superseded managers.

(c) When such a committee is established for a period of time, the Chairperson of the Board of Governors may, or if the Board of Governors so determines shall, nominate a substitute or substitutes to serve on it at any meeting, if required.
- (7) The Chairperson of a committee of the Board of Governors shall be elected in accordance with Article 42 of this Scheme.

Disqualification and Termination of Membership

25. (1) Articles 6(1) (b) and (c) and 8(4) (b) and (c) of this Scheme shall apply to the membership of a committee in the same manner as it applies to the membership of the Board of Governors.
- (2) A member of a committee other than the principal may resign by giving notice to the Board of Governors and shall do so if he/she is disqualified from membership under paragraph (1).
- (3) Where a member of a committee other than the principal is absent from three consecutive meetings the secretary to that committee shall report the matter to the Board of Governors and unless the Board of Governors is satisfied that his/her failure to attend was occasioned by illness or other unavoidable cause, the member shall be deemed to have resigned his/her membership and shall cease to be a member of that committee.

PART VI – FUNCTIONS OF THE PRINCIPAL

General

26. (1) In addition to his/her statutory functions and subject to the provisions of the Education Orders and regulations, orders and directions made thereunder and to the provisions of this Scheme and a financial scheme under the Education Orders and such directions as may, from time to time, be given to him/her by the Board of Governors, the principal shall control the internal organisation, management and discipline of the school.
- (2) Unless the Authority otherwise approves, nothing in paragraph (1) shall apply to non-teaching staff employed in the school whenever the Board of Governors has no delegated responsibility for those staff under Article 58 of the 1998 Order.

Delegated Functions

27. (1) Subject to a financial scheme under the Education Orders the Board of Governors may delegate to the principal such of its functions in respect of the school for which the principal is appointed, as it considers desirable **except** functions relating to powers conferred or duties imposed by or under the following provisions –
- (a) Articles 4, 12 and 13 of the 2006 Order which relate to duties with respect the curriculum;
 - (b) Articles 13(3A) and (3B) of the 1986 Order – appointment of parent governors and Articles 122 and 139(5) of the 1989 Order – co-option of members to the Board of Governors;
 - (c) Article 17 (3) of the 1997 Order which relate to the publication of information;
 - (d) Article 16 of the 1997 Order which relates to drawing up, and from time to time amending, the criteria for selecting pupils for admission to the school.
 - (e) Articles 69 and 91 of the 1989 Order which relate to the initiation of procedures for the acquisition of either grant maintained or controlled integrated status;
 - (f) Article 88 of the 1986 Order which relates to the appointment of non-teaching staff;
 - (g) Article 3(2) (a) and (b) of the 1998 Order which relates to the making and reviewing of a statement of general principles concerning pupil discipline;

- (h) Article 125 of the 1989 Order in so far as approval of the annual report of the Board of Governors is concerned;
- (i) Article 131 of the 1989 Order which relates to determining and keeping under review charging and remissions policies;
- (j) Paragraph 5 of Schedule 2 to the 1998 Order which relates to the dismissal of staff;
- (k) Article 34(3) of this Scheme which relates to the convening of meetings;
- (l) Article 42 of this Scheme which relates to the election of Chairperson and Vice Chairperson of the Board of Governors;
- (m) Any functions of the Board of Governors under the Authority Teaching Appointments Scheme, or arrangements for the promotion of teachers, other than functions relating to the recruitment of temporary teachers to posts of less than six month's duration;
- (n) This Article of this Scheme which relates to the delegation of functions to the principal;
- (o) Article 58(1)(a) and paragraph 2 of Schedule 2 to the 1998 Order which relates to the determination of staffing complements at schools with delegated budgets;
- (p) Article 9 of the 1996 Order, which relates to the policy of the Board of Governors in relation to the provision of education for pupils with special educational needs;
- (q) Article 16 of the 1997 Order, which relates to the criteria for selecting pupils for admission to the school;
- (r) Article 17(3) of the 1997 Order and Article 24 of the Education (NI) Order 2006 in so far as it relates to the approval of the prescribed information to be provided and published;
- (s) Article 3(2)(a) and (b) of the 1998 Order, which relates to the statement of general principles of the Board of Governors concerning pupil discipline;
- (t) Article 13 of the 1998 Order, which relates to the preparation and revision of a school development plan;

- (u) Article 18 of the 2003 Order, which relates to the determination and review of measures to be taken at the school (whether by the Board of Governors, the staff of the school or other persons) with a view to protecting pupils from abuse (whether at school or elsewhere);
 - (v) Part II of the 2003 Order, management of the school's budget share of the Common Funding Scheme and conditions there under, in so far as it relates to:
 - The finalisation and formal approval of the school's annual and triennial financial plans;
 - The setting of the levels of expenditure that may be authorised by a committee, the principal or bursar; and
 - The formal approval of arrangements for the investigation of financial irregularities.
- (2) The functions to be delegated to a principal under this Article shall not, unless the Board of Governors otherwise determines, include the power to take decisions on behalf of or in the name of the Board of Governors without the approval of the Board of Governors.
- (3) The principal shall carry out any functions delegated to him/her by the Board of Governors under this Article of this Scheme and shall report any action or decision taken by him/her in relation to those functions to the next meeting of the Board of Governors or as soon as possible.

Curriculum

- 28.** In relation to the curriculum the principal shall carry out the functions allocated to him/her under paragraph (4) of Article 14 of this Scheme.

Communication

- 29.** The principal shall –
- (a) Promote regular communication between the teachers and parents of pupils; and
 - (b) initiate and maintain regular communication and consultation between himself/herself and teachers on the management of the school, curricular matters and on matters relating to the education, health and welfare and discipline of the pupils;

and shall keep the Board of Governors regularly informed on these matters through his/her reports or when so requested by the Board of Governors.

Pupil Discipline

- 30.** (1) (a) It will be the duty of the principal to determine measures (which may include the making of rules and provision for enforcing them) to be taken with a view to –
- (i) promoting, among pupils, self-discipline and proper regard for authority;
 - (ii) encouraging good behaviour and respect for others on the part of pupils and in particular, preventing all forms of bullying among pupils;
 - (iii) securing that the standard of behaviour of pupils is acceptable; and
 - (iv) otherwise regulating the conduct of pupils;
- (b) before determining such measures, to consult the registered pupils at the school and the parents of those pupils;
- (c) in determining any such measures –
- (i) act in accordance with the current statement made by the Board of Governors under Article 15(a) of this Scheme; and
 - (ii) have regard to any notification or guidance given to him/her under Article 15(c) of this Scheme;
- (d) to prepare a written statement of such measures and secure that –
- (i) a copy of that statement is given (free of charge) to the parents of all registered pupils at the school; and
 - (ii) copies of that statement are available for inspection (at all reasonable times and free of charge) at the school.
- (2) The standard of behaviour which is to be regarded as acceptable at the school shall be determined by the principal in so far as it is not determined by the Board of Governors.

Pupil Suspension and Expulsion

- 31.** In determining the measures in relation to the suspension or expulsion of any pupil the principal shall-
- (a) act in accordance with the scheme prepared by the Authority under Article 49 of the 1986 Order (as amended) and any written statement of general principles provided for him/her by the Board of Governors.
 - (b) have regard to any guidance that the Board of Governors may offer in relation to particular matters.

Meetings of the Board of Governors and Committees Thereof

- 32.** Unless prevented from doing so by illness or other unavoidable cause, and subject to paragraph 1(2) of Schedule 4 of the 1986 Order and to Articles 35(3), 44(2), 45(3), 46, 48 and 49 of this Scheme, the principal shall attend every meeting of the Board of Governors and of any committees established under Article 23 of this Scheme of which he/she is a member. If the principal is unable to attend a meeting of the Board of Governors or a committee of which he/she is a member, he/she shall inform the Board of Governors of the reason for his/her inability to attend. In these circumstances the Board of Governors may require the attendance of a vice principal, who, when attending in this capacity, shall not be entitled to vote on any matter, in accordance with article 55(1) of this Scheme.

PART VII – PROCEEDINGS OF THE BOARD OF GOVERNORS AND COMMITTEES THEREOF, OTHER THAN PROCEEDINGS REQUIRED UNDER ARTICLE 20 OF THIS SCHEME

Frequency of Meetings

- 33.** (1) The Board of Governors shall meet as often as the conduct of the business may require, being not less than once in each school term.
- (2) A committee established by the Board of Governors under Article 23 of this Scheme shall meet as often as the conduct of its business may require.
- (3) The Chairperson of the Board of Governors or of a committee, as the case may be, may call a meeting of its members at any time and shall do so within 21 days following receipt of a written request made by not less than one third of its members.

Convening of Meetings

- 34.** (1) Seven full days at least before a meeting of the Board of Governors or of a committee thereof, written notice of the time and place of the meeting, together with the agenda for the meeting, shall be sent –
- (a) as appropriate, to each member of the Board of Governors or committee thereof, and to the Chief Executive; and
 - (b) in the case of a meeting to a committee, to the secretary to the Board of Governors.
- (2) Subject to paragraph (3) and Article 61(1) and (3) of this Scheme a copy of each written report or paper to be considered by members at the meeting shall be sent to each of those members seven full days at least before the meeting and, on request, to the Chief Executive.
- (3) The Chairperson, unless the Board of Governors determines otherwise, may withhold any report or paper relating to a matter specified on the agenda from a member who would be required under this Scheme to withdraw from the meeting during discussion and consideration of the subject matter of the report or paper in question.

34. (A) Remote Attendance

- 1) A reference to a meeting of the Board of Governors or a committee thereof, either in this article or throughout the scheme, is not limited to a meeting of persons all of whom, or any of whom, are present in the same place. Any reference to a “place” where a meeting is held, or to be held, includes reference to more than one place, including by use of video conference or telephone conference.
- 2) A member of a Board of Governors or a committee thereof, shall be able to attend the meeting remotely and counted as present for the purposes of a quorum, if all of the conditions in paragraph (4) below are satisfied.
- 3) Other relevant parties with right to be in attendance shall be able to be in attendance at the meeting remotely, if all of the conditions in paragraph (4) are satisfied.
- 4) Those conditions are that the member or other relevant party attending a meeting remotely is able at that time to hear, and where practicable see, and be so heard, and where practicable be seen by, the other members and other relevant parties in attendance.
- 5) A member attending a meeting remotely will be deemed to have left the meeting where, at any point in time during the meeting, any of the conditions for remote attendance set out in (4) above are not met. In such circumstance the Chairperson may, as they deem appropriate;
 - a. adjourn the meeting for a short period to permit the conditions for remote attendance of a member set out in (4) above, to be re-established; or
 - b. count the number of voting members in attendance for the purposes of the quorum; and continue to transact the remaining business, providing the meeting is quorate.
- 6) The reference in Article 55(2) to “voting members present and voting thereon” includes members attending the particular meeting remotely in accordance with the conditions set out in (4) above.

34. (B) Remote Voting

- 1) Where any or all members are attending a meeting remotely, and where a vote is required on any matter, the Chairperson shall take the vote by either affirmation if there is no dissent or by roll-call and the number of votes for or against the motion or amendment or abstaining from voting will be recorded.

34. (C) Withdrawal from a Remote Meeting

- 2) Where any person attending any meeting of the board of governors or a committee thereof remotely, declares an interest in any item of business that would normally require them to withdraw in line with the relevant Articles of this scheme, they must disconnect from the meeting and cease remote attendance, thereby avoiding any participation in either the discussion or the voting process. Their withdrawal will be confirmed by the secretary, who will invite the person by link, email or telephone, to re-join the meeting at the appropriate time.

Right to Attend Meetings

35. (1) The Chairperson of the Authority and the Chief Executive, or other officer(s) of the Authority as the Chief Executive may nominate, may, upon giving notice to the secretary, attend any meeting of the Board of Governors or a committee thereof in an advisory capacity, but shall not vote on any question.
- (2) Subject to Articles 44(2) and 45-49 of this Scheme, the principal shall be entitled to attend any meeting of a committee of the Board of Governors of which he/she is not a member.
- (3) Where a Board of Governors is responsible for two or more schools, the principal of any one of those schools shall not be entitled to attend or take part in a meeting of the Board of Governors or committee of the Board of Governors whenever a matter relating to one or more of the Governors or whenever a matter relating exclusively to one or more of the other schools is being discussed.
- (4) A principal, who is acting as secretary to the Board of Governors or committee thereof, may, with the agreement of the members, admit a person to any Board of Governors or committee meeting for the purpose of providing secretarial assistance.
- (5) A member of staff of the school with responsibility for any aspect of school finance may, upon the invitation of the Finance Committee, attend a meeting of that committee when matters other than staffing matters are being discussed provided that he/she has no personal or pecuniary interest in the matters under discussion.
- (6) A person (which may include an appropriate representative from the Controlled Schools' Support Council) with expertise or knowledge relevant to an item on the agenda of a meeting of the Board of Governors or a committee thereof, may, upon the invitation of the Board of Governors or the committee, attend that meeting for the purpose of providing advice in relation to that item, provided that he/she has no personal or pecuniary interest in the matter under consideration. A person attending a meeting in this capacity shall withdraw from the meeting on the cessation of discussion of the agenda item, and before any vote is taken on that item.
- (7) Members of the Education and Training Inspectorate of the Department of Education, may, upon the invitation of the Board of Governors, attend any meeting of the Board of Governors or a Committee thereof, for the purpose of discussing matters relevant to the general inspection of the school.

Stated Items on the Agenda

- 36.** (1) The agenda for every meeting of the Board of Governors shall include –
- (a) when appropriate, the election of a Chairperson;
 - (b) when appropriate, the election of a vice Chairperson and/or the appointment of a secretary;
 - (c) the minutes of the previous meeting and matters arising from those minutes;
 - (d) business to be raised by members, notice of which has been submitted in accordance with Article 51 of this Scheme;
 - (e) any business which must be settled in the interests of the efficient management of the school;
 - (f) where appropriate, any business relating to the Controlled Schools' Support Council;
 - (g) a written report or, where time has not allowed for the production of a written report, an oral report by the principal which shall include such matters as may previously have been requested by members;
 - (g) (i) matters arising from the minutes or other written report of committee of the Board of Governors where such a committee has met since the last meeting of the Board of Governors; or
 - (ii) a written report or, where time has not allowed for the production of a written report, an oral report by the Chairperson or voting member of a committee of the Board of Governors where the committee has met since the last meeting of the Board of Governors.
- (2) Every item stated on the agenda for a meeting of the Board of Governors shall be directly relevant to the functions of, or to some matter which affects the functions of, the Board of Governors or a committee thereof.
- 37.** (1) Article 36(1) (a) to (e) and (g) of this Scheme shall apply to the agenda for every meeting of a committee as it applies to the agenda for every meeting of the Board of Governors.
- (2) Every item stated on the agenda for the committee meeting shall be directly relevant to the functions of, or to some matter which affects the functions of, the committee.

38. (1) The minutes of the previous meeting shall, unless the members decide otherwise, be the first item on the agenda. The other stated items on the agenda shall be listed in priority according to the importance and/or urgency of the subject matter.
- (2) The Chairperson of the meeting may amend the order of priority determined under paragraph (1) above if he/she considers it convenient and conducive to the efficient dispatch of business.

Commencement of Business

39. The business of any meeting shall proceed immediately upon a quorum being formed, and the chair being taken once the appointed starting time for the meeting has been reached or passed.

Quorum

40. (1) The quorum for a meeting of the Board of Governors shall be one third (rounded up to a whole number) of the total number of voting members entitled to be present.
- (2) The quorum for a meeting of a committee of the Board of Governors shall be one third (rounded up to a whole number) of the total number of voting members entitled to be present and not less than three voting members, in the case of primary, nursery, special and post-primary schools.
- (3) If during any meeting of the Board of Governors or a committee thereof the number of members assembled ceases to constitute a quorum the meeting shall be adjourned.
- (4) When a voting member is required under the provisions of this Scheme to withdraw from a meeting, he/she shall not be counted for the purposes of paragraphs (1) and (2) of this Article as a voting member to be present.

Order of Business

41. The business of the meeting shall follow the order specified in the agenda, or as amended by the Chairperson.

The order of any business which arises during the meeting, and which is not specified in the agenda shall be decided by the Chairperson.

Election of Chairperson

42. (1) At the first meeting of each newly-constituted Board of Governors and every two years thereafter, the voting members shall elect or re-elect a Chairperson and a vice Chairperson from among those of their number who are not members of staff and the persons so elected shall hold office until the election of their successors.
- (2) Should a vacancy occur in the office of Chairperson and Vice Chairperson of the Board of Governors the voting members shall at the next meeting of the Board of Governors elect one of their number who is not a member of staff to fill that vacancy.

- (3) Should the Chairperson and Vice Chairperson of the Board of Governors be absent from a meeting, the voting members present shall elect one of their number who is not a member of staff to be Chairperson of that meeting.

43. Article 42 of this Scheme shall apply to the election of a Chairperson of a committee as it applies to the election of a Chairperson of a Board of Governors.

Appointment of Secretary

44. (1) Subject to paragraph (2) –
- (a) the Board of Governors shall appoint a person who should normally be the principal to act as its secretary; and
 - (b) a committee of the Board of Governors shall appoint a person to act as its secretary.
- (2) Neither the principal of nor other teacher in the school shall act as secretary at any meeting of the Board of Governors or of a committee thereof at which any matter relating to the appointment, remuneration, tenure or conditions of service, status, conduct, discipline, suspension, dismissal, resignation, retirement or superannuation of the principal is due to be considered, as they will be required to withdraw in accordance with Article 49 of this Scheme.

Declaration of Family Relationships of Members

45. (1) Every member of the Board of Governors or a committee thereof shall disclose in writing to the secretary any family or other relevant relationship known to him/her to exist between himself/herself or any person who is employed, or is a candidate for employment in the school; and all such disclosures shall as soon as practicable be brought to the notice of the Board of Governors and any committee of which he/she is a member.
- (2) For the purpose of this Article, a family relationship shall be deemed to exist between a member and a person who is employed or who is candidate for employment in the school if they are husband and wife or living together as husband and wife or as civil partners, or if the person who is employed or is candidate for employment, or the husband or wife or co-habitee or civil partner of that person, is the –
- (a) parent;
 - (b) grandparent;
 - (c) grandson or granddaughter;
 - (d) son or daughter;
 - (e) brother or sister;
 - (f) first cousin;
 - (g) uncle or aunt;
 - (h) all equivalent step-relationships; or
 - (i) nephew or niece;
- of the member, or of the husband or wife or co-habitee or civil partner of the member.

- (3) For the purposes of this Article, any 'other relevant relationship' shall be regarded as any relationship that by its nature could call the integrity of the business, conducted by the Board of Governors, into question if the member were not to disclose it.
- (4) Where a member who is required to make such a disclosure is present at a meeting of the Board of Governors or a committee thereof at which any matter is being considered relating to or affecting the appointment, remuneration, tenure or conditions of service, promotion, status, conduct, discipline, suspension, dismissal, resignation, retirement or superannuation of a person to whom he/she stands in a family or other relevant relationship, he/she shall withdraw from the meeting during consideration and discussion of that matter, and any vote relating thereto. His/her withdrawal shall be recorded in the minutes of the meeting.

- 46.** (1) Where a member of the Board of Governors or a committee thereof who has a family or other relevant relationship with a pupil, is present at a meeting which includes discussion of –

- (a) the admission of, or disciplinary action against, that pupil; or
- (b) disciplinary action against another pupil arising out of an alleged incident involving the pupil first mentioned in this paragraph;

he/she shall declare his/her relationship at the meeting as soon as practicable and shall withdraw from the meeting during consideration and discussion of the matter in question and any vote relating thereto.

- (2) For the purposes of this Article, a family relationship shall be deemed to exist if the member is the parent, grandparent, brother or sister, uncle or aunt, first cousin, nephew or niece or equivalent step-relationship, of the pupil.
- (3) A member who is required to make a declaration under paragraph (1) shall withdraw from the meeting during consideration and discussion of the matter in question, and any vote relating thereto and his/her withdrawal shall be recorded in the minutes of the meeting.

Declaration of Knowledge of Canvassing

- 47.** Where a member of the Board of Governors or a committee thereof has knowledge of any instance of canvassing for an appointment, contract or order with which the Board of Governors or committee is concerned, he/she shall declare this knowledge before the issue is discussed. The Board of Governors shall consider any action which might be necessary arising from such a declaration.

Declaration of Pecuniary Interest

- 48.** Where a member of the Board of Governors or a committee thereof has any pecuniary interest, whether direct or indirect, in supply of goods or services to the school, or in any other matter under consideration by the Board of Governors or a committee, he/she shall, if present at the meeting at which any such matter is to be considered, disclose openly the nature of his/her interest as soon as practicable after the commencement of the meeting. He/she shall withdraw from the meeting during consideration or discussion of that matter and any vote on any question related to that matter. The withdrawal of the member shall be recorded in the minutes of the meeting.

Withdrawal of Principal or Teacher Member

- 49.** (1) If the principal is present at a meeting of the Board of Governors or a committee thereof at which –

- (a) his/her remuneration, tenure or conditions of service; or
- (b) his/her conduct, discipline, suspension, dismissal, transfer, resignation or retirement; or
- (c) his/her continued employment at the school; or
- (d) his/her transfer from one post to another; or
- (e) the appointment of a successor to him/her;

is the subject of consideration or discussion he/she shall withdraw from the meeting during consideration and discussion of, and voting on, that matter and his/her withdrawal shall be recorded in the minutes of the meeting.

- (2) If a teacher member is present at a meeting of the Board of Governors or a committee thereof at which –

- (a) his/her remuneration, tenure or conditions of service; or
- (b) his/her promotion or transfer; or
- (c) his/her conduct, discipline, suspension, dismissal, resignation or retirement; or
- (d) the appointment of his/her successor; or
- (e) the appointment, promotion or transfer of any teacher, to a post equal¹ or senior to his/her own; or

¹ A post is considered equal or senior to that of a teacher governor employed on the main scale, if the advertised post carries an equal or higher teaching allowance, or if the post is on the leadership scale.

- (f) the conduct, discipline, suspension, dismissal, resignation or retirement of any member of staff holding a post senior to his/her own; or
- (g) the setting or review of performance targets for any member of staff holding a post senior to his/her own;

is the subject of consideration, discussion or voting he/she shall withdraw from the meeting during such consideration, discussion or voting on that matter and his/her withdrawal shall be recorded in the minutes of the meeting.

In Committee Proceedings

50. (1) Subject to paragraph (2) the Board of Governors or a committee thereof may at any time during a meeting of its members resolve itself into committee for the purpose of transacting any business on the agenda for that meeting.
- (2) A resolution under paragraph (1) may only be made in respect of business which, because of its nature, members consider should be dealt with in a confidential manner.
- (3) The business referred to in the resolution shall be the only matter considered in committee. Once the business has been considered the meeting shall be resumed and the recommendation(s) made in committee shall be proposed for adoption.
- (4) In committee proceedings may not be adjourned but if the business is for any reason unfinished the meeting shall be resumed and the Chairperson of that meeting may propose that the business be again considered in committee on another day.

Notice of Business to be Raised by Members

51. (1) Subject to Article 52 of this Scheme notice of any business to be raised by a member or members at a meeting of the Board of Governors or a committee thereof shall be given in writing, signed by the member or members giving notice and delivered at least ten full days before the next meeting to the secretary to that meeting.
- (2) If that business is not raised at the meeting either by a member who gave notice thereof or by some other member on his/her behalf it shall be treated as withdrawn.

- (3) If the subject matter of any business raised at the Board of Governors meeting of which notice has been given under paragraph (1) comes within the remit of any committee or committees of the Board of Governors, it shall, upon being proposed and seconded, stand referred without discussion to such committee or committees, for consideration and report; provided that the Chairperson of the Board of Governors may, with the consent of the majority of members present and if it is convenient and conducive to the dispatch of business to do so, allow the business to be dealt with at the meeting of the Board of Governors at which it is raised.

Business Not Requiring Notice

- 52.** (1) The Chairperson of the Board of Governors may permit the following business to be raised at a meeting of the Board of Governors without notice –
- (a) amendments to the minutes;
 - (b) amendments to the order of business;
 - (c) proposals arising out of the agenda items, to be put before members for decision;
 - (d) amendments to proposals at (c);
 - (e) a request for a recorded vote on any issue put to members for decision;
 - (f) a proposal to adjourn discussion on a particular item of business or a matter related to that item;
 - (g) a proposal to adjourn the meeting;
 - (h) a proposal for a member to withdraw;
 - (i) a proposal to initiate in committee proceedings under Article 50 of this Scheme;
 - (j) adoption of reports and recommendations of the principal;
 - (k) adoption of reports and recommendations of committees;
 - (l) appointment of a committee under Article 23 of this Scheme occasioned by an agenda item;
 - (m) remission of an agenda item to a committee already established under Article 23 of this Scheme.
- (2) This article does not apply to a proposal to rescind or vary a resolution carried at a previous meeting.
- 53.** Article 52(1) (a) to (j) and (2) of this Scheme shall apply to the meetings of a committee as it applies to the meetings of the Board of Governors.

Rules of Debate

54. (1) No discussion of business shall take place at a meeting of the Board of Governors or a committee thereof at any time when the chair is vacant.
- (2) A member shall address the chair when speaking and shall direct his/her speech to the business of the meeting, to a proposal or an amendment to a proposal related to that business, or to a point of order.
- (3) If notice of any business raised by a member at the meeting has not been given in accordance with Article 51 of this Scheme, it shall, if required by the Chairperson, be put into writing and handed to the Chairperson before it is further discussed or put to the meeting.
- (4) A proposal relating to the business of the meeting or an amendment to such a proposal shall not be discussed unless it has been formally proposed by a member at the meeting and seconded.
- (5) Subject to paragraph (6) the Chairperson may recommend and, with the agreement of the majority members, shall set limits on the frequency and duration of individual debates as appear to be necessary for the efficient discharge of the business of meetings.
- (6) A member who makes a proposal relating to the business of the meeting has a right to reply at the close of the debate on the proposal and on an amendment to the proposal immediately before it is put to the vote.
- (7) A member who is speaking shall not be interrupted by another member unless on a point of order.
- (8) A member who is called to order shall cease to speak until after the disposal of the point of order.
- (9) A point of order shall relate only to alleged breach of the Scheme or to another statutory provision. When a member raises a point of order he/she must specify the provision in question and state the way in which he/she considers it to have been broken.
- (10) A point of order must be dealt with before business can be resumed.
- (11) The ruling of the Chairperson on the point of order shall not be open to discussion.

Voting

55. (1) A member who is not a voting member of the Board of Governors shall not be entitled to vote on any question at any meeting of the Board of Governors or a committee thereof other than at a meeting of a committee established to consider appeals against staff dismissal.
- (2) Every question before a meeting of the Board of Governors or a committee thereof shall, subject to Articles 43, 53(3) and 59(1) of this Scheme, be determined by a majority of the votes of the voting members present and voting thereon. Where there is an equal division of votes, the Chairperson of the meeting shall have a second or casting vote; except in circumstances where the Board of Governors (or a committee thereof) meets to carry out functions under the Authority's Teaching Appointments Scheme.
- (3) A member shall have the right to propose that the votes cast by members on any item of business be recorded. Where a member makes such a proposal but it is not carried, the member shall retain the right to have his/her own vote recorded.

Disorderly Conduct

56. If at a meeting of the Board of Governors or a committee thereof any member persistently disregards the procedures for the conduct of business contained in this Scheme including the ruling of the chair, and wilfully and persistently obstructs the business of the meeting, a proposal for the member to withdraw from the meeting may be made and the proposal if seconded shall be put to the voting members of the meeting and determined without discussion.

Adjournment of Meetings

57. (1) A meeting of the Board of Governors or a committee thereof may be adjourned by the Chairperson of the meeting. When a meeting is adjourned to a later time on the same day or to another date the adjourned meeting shall be treated as a continuation of the original meeting. When a meeting is adjourned indefinitely any unfinished business shall be dealt with at the next ordinary meeting.
- (2) Where the date fixed for an adjourned meeting so permits, notice of the adjourned meeting shall be sent to –
- (a) each member and the Chief Executive; and
 - (b) where the meeting is a meeting of a committee, the secretary to the Board of Governors;
- on the first working day after the adjournment.

- (3) No business shall be conducted at the reconvened meeting which was not on the agenda for the original meeting unless notice thereof is sent to –
- (a) each member and the Chief Executive; and
 - (b) where the meeting is a meeting of a committee, the secretary to the Board of Governors;
- seven full days before each meeting.

Minutes

- 58.** (1) A separate record shall be taken of –
- (a) the proceedings of each meeting of the Board of Governors;
 - (b) the proceedings of each meeting of a committee of the Board of Governors; and
 - (c) in committee proceedings at each such meeting;
- by the secretary to those proceedings.
- (2) Subject to Article 59 of this Scheme the minutes of the proceedings listed at paragraph (1) shall be recorded in a form acceptable to the Authority.

Contents of Minutes

- 59.** (1) The minutes required under Article 58(1) (a) and (b) of this Scheme shall record –
- (a) the names of those present at the meeting and any apologies received from absent members;
 - (b) when appropriate, changes in the membership;
 - (c) any amendments agreed at that meeting to the minutes of the previous meeting and matters arising from those minutes;
 - (d) any declaration(s) required under Articles 45, 46, 47 and 48 of this Scheme;
 - (e) all withdrawals required under Articles 45, 46, 48, 49 and 56 of this Scheme and any subsequent re-entries;
 - (f) those items of business which are taken under in committee proceedings in accordance with Article 50 of this Scheme;

(g) the results of any votes taken by members at that meeting and, upon the request of a member, the member's vote in relation to any issue put before the meeting;

(h) where it is agreed that all votes cast on any item of business are to be recorded, those voting for, those voting against and those abstaining;

and shall be signed by the appropriate Chairperson as an accurate record of proceedings.

- (2) The content of the minutes required under Article 58(1) (c) of this Scheme shall be agreed by the members present during those proceedings and then signed by the Chairperson as an accurate record of those proceedings.

Discussion of Minutes

- 60.** Discussion of the minutes required under Article 58 of this Scheme shall be restricted to the question of accuracy. Any question as to the accuracy of the minutes shall be raised and settled before any matter arising from the minutes is discussed.

Distribution of Minutes

- 61.** (1) A copy of the minutes required under Article 58(1) (a) and (b) of this Scheme shall be sent to the Chief Executive as soon as practicable; and no later than 14 days after that meeting and to each member at least seven full days before the next meeting.
- (2) Upon written request to the Board of Governors from a member of staff or a parent of a pupil at the school, the Board of Governors shall make a copy of the signed minutes of any of its meetings and a copy of any written report or paper considered at its meeting. The Board of Governors may exclude from those copies any material relating to –
- (a) a named teacher or other person or such information which could identify the named teacher or other person employed at or proposed to be employed at the school;
 - (b) a named pupil or such information which could identify the named pupil at, or applying for admission to, the school;
 - (c) any matter which, by reason of its nature, the Board of Governors is satisfied should be dealt with on a confidential basis.

- (3) Subject to paragraph (5) the minutes of any in committee proceedings required under Article 58(1)(c) of this Scheme shall not be circulated or accessible without the permission of the Board of Governors to any person, including a member, who is required to withdraw from those proceedings under Articles 45, 46, 48, or 49 of this Scheme. Subject to the provisions of this paragraph, the secretary in consultation with the Chairperson of the Board of Governors shall make arrangements for the minutes of all such in committee proceedings to be kept in a secure place.
- (4) No records of any proceedings of a meeting of the Board of Governors or a committee thereof other than those required under Article 58 of this Scheme shall be circulated to any person.
- (5) Any minute purporting to be signed as mentioned in Article 59(2) of this Scheme shall be received in evidence without further proof.

PART VIII – COPIES OF THE SCHEME

- 62.** A copy of this Scheme shall be available to each member of the Board of Governors and each member of a committee of the Board of Governors who is not a member of the Board of Governors and, upon request, to any member of staff of the school, to which this Scheme applies.

PART IX – MAKING AND APPROVAL OF THE SCHEME

63. This Scheme was prepared by the Education Authority. Dated this day of 6th January 2021



Sara Long (Chief Executive)

Sealed with the Official Seal of the Department of Education on 12/1/2021



Senior Officer of the Department of Education



SCHEDULE 1

PROCEDURE FOR THE MEETING ABOUT SCHOOL INSPECTIONS

- 1.** When a general or focused inspection of the school is due to take place, the Board of Governors shall make arrangements to meet the Reporting Inspector.
- 2.** The meeting shall be held at such time and place as is convenient for the Reporting Inspector and the Board of Governors.
- 3.** The meeting shall be under the control of the Board of Governors.
- 4.** The secretary to the Board of Governors shall prepare an agenda for the meeting, after consultation with the Reporting Inspector.
- 5.** The Board of Governors shall choose one of its voting members to be Chairperson of the meeting and another person to be secretary to the meeting.
- 6.** At the commencement of the meeting, the Chairperson shall explain the purpose of the meeting and invite the Reporting Inspector to make an introductory statement. The Chairperson shall then allow the Board of Governors to comment on any matter properly relevant to the business of the meeting.
- 7.** The secretary shall prepare a written report of the proceedings of the meeting and submit it to the next meeting of the Board of Governors and to the Reporting Inspector before the general or focused inspection takes place.
- 8.** Any question arising at the meeting about whether a matter may properly be discussed at the meeting shall be determined by the Chairperson on the advice of the Reporting Inspector.

SCHEDULE 2

RELEVANT LEGISLATION IN THE EMPLOYMENT FIELD

- Equal Pay Act (NI) 1970
- Sex Discrimination (NI) Order 1976
- Disability Discrimination Act 1995
- The Employment Rights (NI) Order 1996
- Race Relations (NI) Order 1997
- Fair Employment and Treatment (NI) Order 1998
- The Safeguarding Vulnerable Groups (NI) Order 2007
- The Work and Families (NI) Act 2015
- Part-time Workers (Prevention of Less Favourable Treatment) Regulations (Northern Ireland) 2000
- The Fixed-Term Employees (Prevention of Less Favourable Treatment) Regulations (NI) 2002
- Employment Equality (Sexual Orientation) Regulations (NI) 2003
- Employment Equality (Age) Regulations (NI) 2006
- Equality Act (Sexual Orientation) Regulations (NI) 2006
- The Agency Workers Regulations (NI) 2011

NOTE: The Labour Relations Agency's employment legislation link pages contain a summary of the content of and a link to various pieces of employment legislation relevant to Northern Ireland [www.lra.org.uk].