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1 April 2015

Dear Peter

JOINTLY MANAGED SCHOOLS CIRCULAR

For the information of the Education Committee, please find attached, 'in confidence' a copy of the Jointly Managed Schools Circular. It is anticipated this Circular will be launched, via a press statement, week commencing 13 April 2015.

Yours sincerely

Russell

RUSSELL WELSH
Departmental Assembly Liaison Officer

Subject:

Circular Number:

Date of Issue:

JOINTLY-MANAGED SCHOOLS

1 April 2015

Target Audience:

- Principals and Boards of Governors of all grant-aided schools;
- Education Authority
- Council for Catholic Maintained Schools;
- Northern Ireland Commission for Catholic Education
- Comhairle na Gaelscolaíochta;
- Northern Ireland Council for Integrated Education;
- Transferors' Representative Council;
- Teachers' Unions;
- Council for the Curriculum, Examinations and Assessment;
- General Teaching Council.

Summary of Contents:

This circular is an information guide for those stakeholders interested in establishing jointly managed schools.

Governor Awareness:

Essential

Status of Contents:
Information for schools

Superseded Documents:

Not applicable

Expiry Date:

Not applicable

Enquiries:

Any enquiries about the contents of this Circular should be addressed to:

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1. Purpose of the Circular

1.1 Concurrent with the growth of a variety of Shared Education programmes, some controlled and maintained schools have expressed an interest in establishing what has been termed by stakeholders a 'jointly managed church school', where both the representatives of the Transferor churches and the Catholic Church working together have a joint role in the management of the school.

1.2 In response, the Department (DE) has worked closely with the Transferor Representatives' Council which represents the Church of Ireland, Presbyterian and Methodist Churches, and representatives of the Catholic Trustees to consider how the concept may be implemented within the current legislative framework.

1.3 The purpose of this circular is to provide guidance on key issues which stakeholders must consider and agree upon when planning to bring forward any proposal to establish a school of this type.

1.4 All those bringing forward a proposal to establish a school of this type must have regard to the content of this circular.

1.5 This is a new concept and while DE has endeavoured to cover all pertinent issues in this circular, it is recognised that as these schools are established through the Development Proposal process, there may be a need to further supplement, or amend this circular.

2. Policy Context: Shared Education

2.1 The wider context for the development of the concept of jointly managed schools has been the emergence and development of the concept of Shared Education.

2.2 Shared Education is the organisation and delivery of education so that it:

- meets the needs of, and provides for the education together of learners from all Section 75 categories and socio-economic status;
- involves schools and other education providers of differing ownership, sectoral identity and ethos, management type or governance arrangements; and
- delivers educational benefits to learners, promotes the efficient and effective use of resources, and promotes equality of opportunity, good relations, equality of identity, respect for diversity and community cohesion.

2.3 Specifically, by Shared Education we mean the provision of opportunities for children and young people from different community backgrounds to learn together.

2.4 Shared Education pilot programmes have been taking place in a number of schools in recent years, most notably with significant investment from the International Fund for Ireland and the Atlantic Philanthropies. The Programmes aimed to break down the barriers arising from the conflict here by providing a range of opportunities for young people to learn together.

2.5 Going forward DE is, in conjunction with Delivering Social Change funding and the Atlantic Philanthropies, providing a funding stream to support Shared Education in schools over the next four years. The Education Minister has committed to mainstreaming Shared Education funding in the longer term.

2.6 DE is also working with the Special EU Programmes body to advise on how best Peace IV funding can be used to support further the development of

Shared Education in schools that have not yet engaged in this form of delivery, as well as across pre-school and youth work settings in a way that will complement the Delivering Social Change Shared Education funding.

2.7 DE has developed a Shared Education Policy which provides a framework for the future of development of Shared Education. The policy will ensure that schools and other education environments receive the resources, acknowledgement, support and encouragement to start or continue to develop high quality Shared Education opportunities for their pupils. A Shared Education Bill to define and provide the power to encourage and facilitate Shared Education has also been brought forward.

2.8 There are various forms of association that can provide the opportunity for schools to collaborate on a range of curricular and other issues. These can range from voluntary coalitions and partnerships to a relationship involving formal management and governance structures.

2.9 It is for schools, parents and communities in conjunction with the relevant school Planning Authorities¹ to determine which model they think best meet local needs. In order to support stakeholders who have expressed an interest in the jointly managed model, DE has published this circular.

¹ The Planning Authorities are the Education Authority, which has responsibility for ensuring that efficient primary education and post-primary education are available to meet the needs of its area and that the area has sufficient schools of the right size and of the right type; and the Council for Catholic Maintained Schools, which has a statutory duty to promote and co-ordinate the planning of the effective provision of Catholic maintained schools.

3. Definition

3.1 Whilst there is potential for other forms of jointly managed school, this circular provides guidance only in regard to what has been termed by stakeholders a 'jointly managed church school'.

3.2A jointly managed church school is a grant-aided school, providing shared education with a Christian ethos, with Trustee representation agreed by the Transferor churches and the Catholic Church and managed by a Board of Governors with balanced representation from both the main communities here.

3.3 It should be noted that a 'jointly managed church school' is not a particular school management type set out in legislation but reflects the practical operation and ethos of these schools. The management type of these schools is outlined in Paragraph 4.17 and arrangements for Home to School Transport in Section 6.

3.3 A jointly managed church school may be and will most likely be established as a result of the amalgamation of former controlled and Catholic maintained schools. However, this does not preclude the establishment of an entirely new school of this type where no provision currently exists.

4. Key Issues for Stakeholders to Consider

4.1 A Development Proposal (DP) is required under Article 14 of the Education and Libraries (NI) Order 1986 before any significant change can be made to the character or size of a school, or to establish a new grant-aided school.

4.2 In order to establish a new school as a result of the amalgamation of former controlled and Catholic maintained schools, DPs will be required to:

- close the existing grant-aided schools; and
- establish a new school.

If an entirely new school is to be established where no provision currently exists, a single DP to establish a new school will be required.

4.3 DE would expect the relevant Board (or the Education Authority when established) and CCMS on behalf of the Catholic Trustees to bring forward proposals to close existing schools and together bring forward a proposal to establish the new grant-aided school.

I. Sustainability

4.4 In approving an amalgamation or the establishment of an entirely new school, an essential consideration for DE is that it will be viable for the long term. All proposals are assessed in line with the framework of 'Schools for the Future: A Policy for Sustainable Schools' - <http://www.deni.gov.uk/index/schools-and-infrastructure-2/sustainable-schools.htm>.

4.5 Those intending to bring forward a DP should familiarise themselves with the content of the Sustainable Schools Policy. The policy sets out six criteria for helping to assess existing and future provision. They cover the educational experience of children, enrolment trends, financial position, school leadership and management, accessibility, and strength of links to the community.

4.6 Stakeholders should consider and develop proposals within this overarching framework.

4.7 In a case of an amalgamation between a former controlled and maintained school(s), the new school will not be subject to a minimum enrolment criteria for receipt of recurrent funding.

II. The Area Planning Context

4.8 Area Planning is the process through which a network of viable and sustainable schools will be developed. It aims to have schools of the right size and type in the right place through assessing the current and projected level of demand in an area and shaping provision to meet that demand.

4.9 It is extremely important that proposals are developed in consultation with the relevant Planning Authorities. Any proposal must consider the wider context of the network of schools and must be in line with the overall proposed pattern of provision outlined in the area plan. It is particularly important to consider the implications for other schools in the area.

III. Educational Trust and Ownership

4.10 It is preferable for those intending to bring forward a proposal to establish a school of this type to plan to establish a formal body such as a Trust following the approval of any DP (more details on the DP process are provided from Paragraph 5.1 onwards).

4.11 Trustees would be appointed through a deed of appointment. The Trustees are the legal representatives of the school as an organisation.

4.12 In this case, DE would require the school Trustees to be representative of both the Catholic Church and the Transferor churches.

4.13 The Trustees:

- are the person or persons in whom the premises and site of the school or college of education are, or are to be, vested .(This may involve lease or assignment from either the Education Authority or the relevant Catholic Maintained Trust, if the use of a former school site is proposed);
- will nominate governors in line with the provisions of Schedule 5 of the Education and Libraries (NI) Order 1986 Order; and
- will be the named party to legal contracts on behalf of the school (for example for minor or major capital works).

4.14 The Planning Authorities will provide stakeholders with advice on the establishment of a Trust. It should be noted that it is not envisaged that the legal ownership of any school site will change.

IV. Management Type

4.15 Current legislation stipulates a number of school management types for grant-aided schools: controlled, Catholic maintained, maintained, voluntary (non-maintained) and grant-maintained integrated. It does not provide for any other “hybrid” management type.

4.16 A controlled school must under Article 21 (2) of the Education and Libraries (NI) Order 1986 provide undenominational religious education and collective worship.

4.17 A voluntary maintained management type is likely to be the most practicable management type for this type of school. It is distinct from a Catholic maintained school which is a maintained school designated in a scheme agreed between the DE and CCMS (Article 141(3) of the Education Reform (NI) Order 1989).

4.18 In a significant number of key practical matters, the same management arrangements are in place for maintained schools, as for controlled and Catholic

maintained schools. The Education Authority is the funding authority for these schools and is responsible for the payment of rates, landlord maintenance, purchasing and invoicing and carrying out the internal audit function. The Education Authority is also responsible for employing non-teaching staff and for non-teaching payroll. Like both controlled and Catholic maintained schools, DE is responsible for teacher payroll in maintained schools. As in the case of controlled and Catholic maintained schools, maintained schools would be expected to self-insure with the Education Authority.

V. Board of Governors

4.19 In a maintained school, the Board of Governors comprises nine, eighteen or twenty-seven members. Of the voting members of the Board of Governors:

- a) four-ninths shall be nominated by the nominating trustees in such manner as the scheme of management of the school may provide, and at least one of the persons so nominated shall, at the time of his nomination, be a parent of a registered pupil at the school;
- b) two-ninths shall be nominated by the Board;
- c) one-ninth shall be nominated by the Head of the Department;
- d) one-ninth shall be elected by parents of registered pupils at the school from amongst the parents of such pupils; and
- e) one-ninth shall be elected by assistant teachers at the school from amongst such assistant teachers.²

4.20 In this case, DE would expect a formal local agreement that the governors appointed by the Trustees will be representative of both the Catholic and Transferor Churches. It is also expected that the representatives of the Education Authority will reflect both religious traditions.

³ The Education and Libraries (Northern Ireland) Order 1986; Schedule 5

4.21 Agreements will be detailed in the school's Scheme of Management, which provides for the membership and procedures of the Board of Governors of grant-aided schools.

VI. School Ethos

4.22 The proposed ethos of the school, arrangements for worship and approach to religious education must be agreed prior to any proposal being brought forward. Agreement will also be required in respect of any specific requirements for the development and maintenance of the religious ethos of the school that are to be reflected in the Scheme of Management for the school. A formal Memorandum of Agreement between the school trustees of the main Protestant Churches and the Catholic Church should be drawn up and signed by both parties to reflect these arrangements.

4.23 Subsequently when a school is established, the Board of Governors will implement the agreed ethos for the school and reflect this ethos within the school's Scheme of Management. In these schools, the Department would expect that the ethos would be within a Christian framework which respects both the religious ethos of the Catholic Church and Transferor Churches and where neither ethos would predominate.

4.24 In all grant-aided schools it is expected that the governors and the Principal should maintain an ethos for the school that promotes the moral, spiritual, intellectual, social and personal development of all its pupils. The school's ethos should contribute to the wider goals of the school and be clearly defined and understood by parents, pupils, staff, governors and the local community. It should also be consistent with a commitment to promote equality, good relations and diversity within the school and its community.

4.25 Decisions on teaching of RE within the school are also the responsibility of the Board of Governors within the context of the statutory curriculum for religious education.

VII. Employing Authority

4.26 Boards of Governors will be the employer of teachers for schools of this type.³

These schools will adhere to the agreed remuneration and terms and conditions of service of teachers in grant aided schools in Northern Ireland established through the agreed negotiating machinery (currently the Teachers' Negotiating Committee).

4.27 The Department would expect Boards of Governors in this type of school to have a formal agreement in place to seek, obtain and follow professional advice on Human Resources issues from the Education Authority in the first instance.

4.28 The terms of TNC 2013-2 School Reorganisation Agreement will be applicable to all newly established schools.

4.29 The Education Authority is the employer for all non-teaching staff in controlled, Catholic maintained and maintained schools. There will, therefore, be no change in the employer for non-teaching staff in the event of the establishment of the new school.

VIII. Size

4.30 Articles 11 and 12 of the Education (Northern Ireland) Order 1997 require DE to determine an enrolment number and an admissions number respectively for each grant-aided primary and post primary school.

4.31 All Development Proposals will need to state clearly the proposed enrolment for the new school. This should be determined in discussions with the relevant Planning Authorities within the context of the Area Plan. When two schools are amalgamating, only in exceptional cases would DE expect this to exceed the combined approved enrolment of the former schools. Reducing the number of

³ Teachers are employed by the Board of Governors in Catholic maintained schools and by the Education Authority in controlled schools. CCMS is the Employing Authority for Catholic maintained schools.

unfilled places in the schools' estate is an objective of area planning. Consequently, where the former schools had unfilled places, consideration should be given to reducing the approved enrolment of the new school accordingly and clearly outlined in the Development Proposal.

IX. Accommodation

4.32 There is a need to consider short and longer-term accommodation needs for the proposed school and whether additional temporary accommodation may be required. Detailed and realistic costings for any proposed accommodation should be developed. Due regard should be given to maximising the potential of existing school premises.

4.33 In a case where a school is formed as the result of an amalgamation of former controlled and maintained school(s), which were already vested in the schools' estate, the school will not be subject to meeting enrolment thresholds for capital viability, as in the case of newly established grant-aided schools.

4.34 Jointly managed schools formed by the amalgamation of existing grant-aided schools will attract the additional points associated with rationalisation when applications for new school builds are being assessed. Details are set out in DE's *Protocol for the Selection of Major Capital Works* <http://www.deni.gov.uk/index/june-protocol-major-works.htm>

5. The Development Proposal Process

5.1 As noted above, a Development Proposal (DP) is required under Article 14 of the Education and Libraries (NI) Order 1986 before any significant change can be made to the character or size of a school, or to establish a new grant-aided school (para 4.1 refers)

5.2 In advance of initiation of the formal development process, it is essential that the key issues outlined in this guidance have been considered and agreed. A proposal to establish a new school requires Planning Authorities to be engaged at an early stage.

5.3 Information regarding the DP process can be found at http://www.deni.gov.uk/de1_14_202314_development_proposal_guidance_-_english_version_issued_26_09_14.pdf (Circular 2014/21). Those bringing forward a proposal should familiarise themselves with this guidance.

5.4 A decision on any DP is made by the Minister of Education. All DPs are considered on a case by case basis within DE's policy framework.

5.5 The body which brings forward a DP is "the proposer". In this case DE would expect that the Education Authority and CCMS would each bring forward in a timely manner proposals to close existing schools and together bring forward a proposal to establish the new grant-aided school.

5.6 It is a matter for the proposer to make the case for change for any development proposal being presented to the Minister for consideration. The proposer should provide sufficient evidence to support the case for change to enable those affected by the proposal to understand the educational and other merits of the change proposed. DE should be fully furnished with all pertinent background and supporting information relating to the DP. Such information must be robust and verifiable. A detailed implementation plan must also be included. This should outline the key activities and milestones for successful implementation of the proposal should it be approved.

5.6A key purpose of the DP procedure is to ensure that all interested parties are informed about proposed changes to schools and have an opportunity to comment on any proposed development that may affect them before decisions are taken. All objections and comments received are considered in reaching a final decision on a DP. It is vitally important that the proposal is clear and unambiguous and this should include clarity around the management type and size of the proposed school.

6. Operation of Jointly Managed Schools

Home to School Transport

6.1 The current arrangements for the provision of home to school transport came into operation in September 1997 (Circular 1996/41) and were last updated in September 2009.

6.2 A child is only eligible for transport assistance in circumstances where he or she enrolls at a school which is beyond qualifying distance from their home (two miles for primary pupils or three miles for post-primary pupils) and has been unsuccessful in gaining a place at all suitable schools within statutory walking distance.

6.3 Where there is no suitable school within statutory walking distance from a child's home, the Education Authority may provide transport to any suitable school, provided a suitable Education Authority or public transport service to or in the vicinity of that school is already available.

6.4 A suitable school is a grant-aided school in any of the following categories: -

Primary/Secondary Sector

Categories of School

Catholic maintained
Controlled or other voluntary
Integrated
Irish-medium

Grammar Sector

Categories of School

Denominational
Non-Denominational

6.5 For the purposes of transport provisions under current arrangements, jointly managed primary and post-primary schools will be classified as within both 'controlled and other voluntary' and 'Catholic maintained' categories.

6.6 It should be noted that arrangements for Home to School Transport are current under review and may change. The Department intends consulting

upon the review of Home to School Transport chaired by Sian Thornthwaite, which was published in December 2014.

Temporary Variation (TV)

6.7 There are four categories for the purposes of considering TVs:

(i) **denominational** (i.e. maintained primary schools, maintained post-primary schools, denominational grammar schools);

(ii) **non-denominational** (i.e. controlled primary schools, controlled post-primary schools, non-denominational grammar schools);

(iii) **Integrated** (i.e. controlled or maintained integrated primary or post-primary schools and;

(iv) **Irish Medium** (i.e. Irish Medium primary or post primary schools or Irish Medium primary or post primary units within maintained primary or post primary schools).

6.8 A small number of 'other maintained' schools (ie Voluntary maintained schools that are not Irish-medium) are treated 'by exception' and outside of these four categories.

6.9 For the purposes of dealing with TV requests, jointly managed primary and post-primary schools will be classified alongside **both** denominational **and** non-denominational categories. This means that when a TV request for a child is received from a jointly managed school, it is likely to be approved unless there are alternative places available in both the controlled and maintained sectors within a reasonable travelling distance of the child's home. Conversely, a jointly managed school would not be considered as an alternative setting for a child who requests a place in any other sector.

7. Contacts regarding this Circular

7.1 A copy of this circular has been placed on the DE website. Any enquiries about this circular should be addressed to Shared Education and Community Relations Team, telephone number 028 9127 9245.

Andrew Bell

Shared Education and Community Relations Team