



## THE EDUCATION ACT 2001

### ARTICLES OF GOVERNMENT OF BUNSCOILL RHUMSAA

In exercise of the powers conferred on the Department of Education by section 5(3) of the Education Act 2001<sup>1</sup>, and of all other enabling powers, the following Articles of Government are hereby made:-

#### 1. Commencement and interpretation

(1) These Articles shall come into operation on the 1st September 2007.

(2) In these Articles —

"the Act" means the Education Act 2001;

"the Department" means the Department of Education;

"the Director" means the Director of Education;

"financial regulations" means —

(a) any direction under section 3(1)(e) or (f) of the Treasury Act 1985<sup>2</sup> for the time being in force; and

(b) any regulations under section 8 of the Audit Act 1983<sup>3</sup> for the time being in force;

"Looked After Children", in relation to articles 7(3) and 24, has the same meaning as in the Children and Young Persons Act 2001<sup>4</sup>;

"ordinary meeting", in relation to the governing body, means a meeting of the body required to be held once in each school term;

"the school" means the Bunscoill Rhumsaa;

"school improvement plan" means a plan submitted to the Department under article 6 and approved by the Department;

"school year" means a year commencing on 1st September.

(3) Where the head teacher of the school is absent or unable to act, or if there is no head teacher, any reference in these Articles to the head teacher shall be taken as a reference to the acting or deputy head teacher.

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<sup>1</sup> 2001 c.33

<sup>2</sup> 1985 c.25

<sup>3</sup> 1983 c.20

<sup>4</sup> 2001 c.24



(4) The Interpretation Act 1976<sup>4</sup> applies to these Articles as it applies to an Act of Tynwald.

## **2. Direction and conduct of school**

The governing body, in consultation with the head teacher, shall be responsible for the general direction and conduct of the school.

## **3. Curriculum**

Subject to section 8(3) of the Act (compliance with national curriculum), the head teacher shall, in consultation with the governing body, establish and keep under review a curriculum for the school, having regard to the age, ability, aptitude and special educational needs of pupils attending the school.

## **4. Organisation and management**

(1) The head teacher shall control the internal organisation of the school and manage the staff of the school.

(2) Any policy of the head teacher relating to the organisation and management of the school shall be in accordance with any general directions of the Department and subject to the approval of the governing body.

## **5. Standards**

(1) The governing body and the head teacher shall consider the standards of achievement attained by pupils at the school and shall keep such standards under regular review.

(2) The head teacher shall make available to the governing body and the Department any information relating to —

- (a) the assessment of the pupils and their expected attainments; and
- (b) the results of any tests taken by the pupils for the end of Key Stages 1 and 2;

at such times and in such form as the Department may determine.

(3) Subject to paragraph (4), on the basis of the information provided under paragraph (2) and such other information as they possess, the governing body shall —

- (a) consider what action is appropriate to maintain or improve the standards of achievement attained by pupils at the school,
- (b) make recommendations to the head teacher as to such action, and
- (c) report any major concerns to the Department.

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<sup>4</sup> 1976 c.20



(4) The governing body shall consider any reports on the school prepared by or on behalf of the Department, and shall comply with any recommendations contained therein and endorsed by the Department.

## **6. School improvement plan**

(1) The head teacher shall prepare annually, in such form as may be required by the Department and after consulting the governing body, a 3-year school improvement plan specifying the educational, managerial and business priorities for the school.

(2) The governing body shall consider the plan prepared under paragraph (1) and shall submit it, with such recommendations for modification as it thinks appropriate, to the Department.

(3) The Department may approve the plan with or without modifications.

## **7. Reports by head teacher to governing body**

(1) The head teacher shall, not later than the end of each school year, make a report in writing to the governing body on the implementation of the school improvement plan.

(2) The head teacher shall also make a report in writing, in such form as the Department may specify, to the governing body at each of its ordinary meetings.

(3) A report under paragraph (2) shall cover each of the following areas

- (a) the attendance of pupils;
- (b) the suspension and expulsion of pupils;
- (c) whether any pupil is not receiving full-time education;
- (d) the repair and maintenance of the fabric of the school, and the state of any works of demolition, construction or extension;
- (e) the curriculum, and any proposals for its alteration;
- (f) the finance of the school;
- (g) the health and safety of pupils, staff and visitors;
- (h) the management of the school;
- (i) the teaching and other staff of the school;
- (j) the standards to be attained by pupils and their attainments;
- (k) progress in implementing the school improvement plan;
- (l) any matters relating to pupils with special educational needs;
- (m) any matters relating to Looked After Children attending the school
- (n) such other matters as the Department may from time to time require to be covered by the report.



## **8. Attendance at meetings of governing body**

(1) The head teacher shall attend any meeting of the governing body unless requested by the governing body not to do so.

(2) The governing body, after consulting the head teacher, may require any member of the staff of the school to attend a meeting of the governing body to advise on any matter within his special knowledge.

## **9. Visits and inspections by governing body**

(1) The governing body shall visit the school together regularly and, in any event, not less than 3 times in every school year.

(2) The governing body shall consult the head teacher as to the time of any visit.

(3) The governing body and the head teacher shall together, at such intervals as the Department may require and at such other times as the governing body or the head teacher thinks appropriate, inspect the fabric of the school and report on the state of it to the Department, in such form as the Department may require.

## **10. Reports by governing body**

The governing body shall make such reports to the Department as the Department may from time to time require.

## **11. Finance: general**

(1) All income received and expenditure incurred on account of the school shall be accounted for in accordance with the scheme for delegated financial management of the school for the time being in force, and the head teacher shall be accountable for all such income and expenditure —

- (a) to the governing body, as regards compliance with the school improvement plan and policies approved by the governing body, and
- (b) otherwise, to the Director.

(2) The head teacher shall, at such times and in such form as the Department may require and in consultation with the governing body, prepare —

- (a) a budget comprising estimates of —
  - (i) income to be received on account of the school, excluding lettings, and
  - (ii) the expenditure required to be incurred for the operation of the school and the implementation of the school improvement plan in the period covered by the budget; and
- (b) estimates of expenditure required for major future developments at the school.





(3) Expenditure on maintenance and repairs of the fabric of the school falling within "tenant's expenses" under the scheme referred to in paragraph (1) shall be included in the expenditure mentioned in paragraph (2)(a)(ii).

(4) The head teacher shall submit the estimates referred to in paragraph (2)(b) to the Department, who may approve them with or without modifications.

(5) The head teacher shall not without the prior approval of the Director incur any expenditure not provided for in the said budget as approved by the Department.

(6) The head teacher shall present a financial statement, in such form as the Department may direct, at each ordinary meeting of the governing body and at such other meetings of the governing body as it may require.

(7) If the information in a financial statement presented to the governing body under paragraph (6) differs from the information most recently provided by the Department, the head teacher shall forward a copy of the statement to the Department.

(8) The head teacher shall submit annually to the governing body and to the Department a duly audited statement of receipts and payments of all funds privately raised on account of the school and in his hands or under his control.

(9) In exercising his functions under this article the head teacher shall comply with the financial regulations.

## **12. Suspension and dismissal of head teachers etc.**

(1) The Department may of its own motion, and shall at the request of the governing body, suspend a head teacher from duty for misconduct or other adequate or urgent cause pending consideration by the governing body.

(2) The governing body may recommend the dismissal of the head teacher.

(3) This article applies to a deputy head teacher as it applies to a head teacher.

## **13. Appointment etc. of assistant teachers**

(1) The arrangements for the appointment of assistant teachers for the school shall comply with any directions by the Department for the time being in force.

(2) In particular, the terms of any appointment shall incorporate the Conditions of Tenure and Sick Pay Regulations for the Employment of Teachers for the time being in force.

(3) The Department may of its own motion, and shall at the request of the governing body, suspend an assistant teacher from duty for misconduct or other adequate or urgent cause pending consideration by the governing body.

(4) The governing body, after consulting the head teacher, may recommend the dismissal of an assistant teacher.



(5) In this article "assistant teacher" means any member of the teaching staff of the school, except —

- (a) a teacher to whom article 12 applies, or
- (b) a temporary or peripatetic teacher employed by the Department.

#### **14. Support staff**

The governing body, after consulting the head teacher, may make recommendations to the Department as to the engagement and dismissal of non-teaching staff of the school (including members of the Isle of Man Civil Service).

#### **15. Special educational needs**

(1) The head teacher, in consultation with the governing body, shall be responsible for the management of staff (including staff seconded by the Department) and facilities for the teaching at the school of pupils with special educational needs.

(2) In exercising his functions under paragraph (1) the head teacher shall comply with any directions by the Department for the time being in force.

#### **16. Admission of pupils**

(1) The Department may direct that a person named in the direction, being a person of 5 years of age but under 12 years of age, be admitted to the school, and the head teacher shall comply with any such direction.

(2) Subject to any direction under paragraph (1), the head teacher shall in the first instance determine any application for the admission of pupils to the school.

(3) In determining an application for admission, the head teacher shall have regard to any guidance issued by the Department (but subject always to section 15 of the Act).

#### **17. School discipline**

(1) The head teacher, in consultation with the governing body, shall determine the standard of behaviour which is to be regarded as acceptable at the school.

(2) The head teacher shall take all necessary steps to promote good behaviour at the school.

(3) Subject to the following provisions of this article, the following penalties may be imposed on a pupil for misbehaviour —

- (a) a requirement that the pupil apologise for his misbehaviour;
- (b) a warning, reprimand or caution, either oral or written;
- (c) referral to another teacher for warning, reprimand or caution;



- (d) writing lines or other text;
- (e) additional work, homework or reasonable physical exercise;
- (f) informal detention (ie. keeping in at break or lunchtime);
- (g) a requirement that a pupil work on his own rather than in a group;
- (h) loss of any privileges conferred by the school;
- (i) loss of a merit point or other means of recognising good behaviour or achievement;
- (j) formal detention, at break or lunchtime or, after due notice to the pupil's parent, after the end of the school day;
- (k) placing on report (ie. a requirement to report at the commencement of each lesson or session, as appropriate);
- (l) payment for damage caused to property or belongings;
- (m) temporary exclusion from certain classes;
- (n) after due notice to the pupil's parent, a requirement to leave the school premises at lunchtime;
- (o) a requirement to complete a reasonable task of benefit to the school;
- (p) a requirement that the pupil give a written undertaking for his good behaviour;
- (q) a requirement that the pupil transfer to another class;
- (r) a requirement that the pupil attend sessions intended to improve his behaviour;
- (s) informal suspension (ie. sending the pupil home for the rest of the school day);
- (t) formal suspension for a specified period;
- (u) a recommendation that the pupil be temporarily transferred to another school or other educational establishment; or
- (v) a recommendation that the pupil be expelled.

(4) Subject to any direction by the head teacher specifying appropriate penalties for particular misbehaviour or reserving the imposition of a penalty to himself, any teacher may impose on a pupil any of the penalties specified in paragraph (3)(a) to (s).

(5) The head teacher may impose any of the penalties specified in paragraph (3)(a) to (t), but a suspension for a period or periods exceeding 10 days in the aggregate in any school term —

- (a) may not be imposed without the approval of the governing body,
- (b) shall in any event be reviewed by the governing body before the expiration of 30 days (if it has not already been terminated), and
- (c) may at any time be terminated by the head teacher or the governing body.

(6) The head teacher shall forthwith notify the Department of the imposition of any penalty specified in paragraph (3)(t).



(7) A penalty specified in paragraph (3)(u) or (v) may be imposed by the governing body, but a decision —

- (a) to transfer a pupil to another school or other educational establishment; or
- (b) to expel a pupil,

may be taken only by the Department.

(8) Before making such a decision the Department shall invite the following to make representations and consider any representations so made —

- (a) the head teacher,
- (b) the governing body,
- (c) the pupil, if the Department thinks fit having regard to his age and understanding,
- (d) any parent of the pupil, and
- (e) in the case of a decision to transfer, the head teacher of the other school or educational establishment.

## **18. Appeal against suspension**

(1) Where a penalty of formal suspension is imposed on a pupil, any parent of the pupil may at any time appeal against it by sending to the Department a notice of appeal in writing.

(2) The Department shall invite the following to make representations as to the suspension —

- (a) the head teacher,
- (b) the governing body,
- (c) the pupil, if the Department thinks fit having regard to his age and understanding, and
- (d) any parent of the pupil.

(3) After considering any representations so made the Department may

- (a) confirm the suspension;
- (b) if the suspension has not already ended-
  - (i) vary it by amending the period for which it was imposed, or
  - (ii) end it and reinstate the pupil with or without a direction that it be expunged from the pupil's record; or
- (c) if the suspension has already ended, direct that it be expunged from the pupil's record;

And the Department's decision shall be final.





## **19. Teaching of suspended pupil**

(1) Where a pupil is suspended for a period or periods exceeding 10 days in the aggregate in any school term, the head teacher shall make arrangements for the provision for him of teaching while he is suspended.

(2) Arrangements under paragraph (1) shall conform with any directions given by the Department.

## **20. Bullying**

(1) The head teacher, in consultation with the governing body, shall prepare and keep under regular review a written anti-bullying policy setting out the arrangements made by the school to prevent and follow up any incidences of bullying.

(2) This policy shall conform with any directions given by the Department and the head teacher shall ensure that copies of it are available free of charge to pupils and parents, on request.

## **21. Modified programme**

(1) This article applies to arrangements made by the head teacher under which a pupil (other than one who is suspended) is not to receive full-time education at the school.

(2) The head teacher shall notify the governing body and the Department where any such arrangements are made.

(3) No such arrangements shall continue for more than 4 weeks without the approval of the governing body.

## **22. School holidays and length of school day**

(1) Terms and holidays (including half-term holidays) for the school shall be determined by the Department.

(2) Every day on which the school is open shall, subject to paragraph (4), comply with any minimum requirements as to the daily teaching time specified by the Department.

(3) Subject thereto, the normal times of sessions at the school shall be determined by the governing body –

- (a) after consulting the head teacher, parents and staff of the school, and
- (b) subject to compliance with any other requirements specified by the Department

(4) Any variation from the normal times of sessions may be made only –

- (a) with prior approval of the Department, after full consultation with parents and staff of the school, or
- (b) where already allowed for under the Department's adverse weather conditions protocol, or



- (c) in the event of emergency health and safety situations, excluding the temporary discontinuation of utility supplies.
- (5) for the purposes of this article, "daily teaching time" includes activities which form part of the school's normal annual education programme, such as educational visits, sports days, school carol services, talks given by visitors to the school and such other activities as the Department may authorise.

**23. School uniform etc.**

The head teacher shall, with the approval of the governing body, prescribe uniform dress for pupils attending the school and rules governing personal appearance.

**24. Looked After Children**

The governing body, in consultation with the head teacher, shall be responsible for the monitoring the educational provision made for, and the educational progress attained by, every Looked after Child attending the school.

**25. Copies of articles etc.**

(1) The Department shall supply a copy of the instrument of government of the school and a copy of these Articles to every governor and the head teacher of the school.

(2) The head teacher shall secure that a copy of the instrument of government of the school and a copy of these Articles are available for inspection by every member of staff of the school and any parent of every pupil attending the school.

**26. Determination of questions**

Any question as to the operation or application of any provision of these Articles shall be referred to and determined by the Department.

MADE 26 August 2013



Minister for Education

