

EDUCATION (JERSEY) LAW 1999

Official Consolidated Version

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Jersey

EDUCATION (JERSEY) LAW 1999

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Jersey

EDUCATION (JERSEY) LAW 1999[1]

A LAW relating to education, and for related purposes

Commencement [see endnotes]

PART 1

PRELIMINARY

1 Interpretation

(1) In this Law, unless the context otherwise requires –

"care order" has the same meaning as in the Children (Jersey) Law 2002;

"Chief Officer" means the person employed under the Employment of States of Jersey Employees (Jersey) Law 2005 as the Chief Officer of the administration of the States relating to education;

"child" means a person who has not attained the age of 19 years;

"compulsory school age" and related terms shall be construed in accordance with Article 2;

"continuing education" means any education which contributes to the personal, intellectual, cultural and physical development of persons over compulsory school age who have completed their full-time education;

"Court" means the Royal Court;

"education supervision order" means an order made under Article 14(1);

"headteacher" means headteacher or principal and includes a deputy or, in relation to a particular purpose or function, a person authorized by the headteacher or principal for that purpose or function;

"higher education" shall be construed in accordance with Article 5;

"Jersey Curriculum" means the curriculum established under Article 16;

"Jersey Curriculum Council" means the Council established under Article 59;

"medical officer" means the registered medical practitioner appointed by the Minister for the purposes of this Law;

"Minister" means the Minister for Children and Education;

"non-provided school" means a school which is not a provided school;

"nursery class" means a class in a primary school in which full or part-time education for children below compulsory school age is provided;

"nursery school" means an institution, other than a primary school, in which full or part-time education for children below compulsory school age is provided;

"parent", in relation to a child, includes any person who is not the child's parent but who has parental responsibility for the child (within the meaning of the Children (Jersey) Law 2002) or care of the child;

"prescribed" means prescribed by Order made by the Minister;

"primary school" means a school in which there is mainly provided full-time education suitable to the requirements of children of compulsory school age who have not attained the age of 12 years;

"proprietor" means, in relation to any school, the person or body of persons responsible or proposing to be responsible for the management of the school;

"provided school" shall be construed in accordance with Article 3;

"pupil" means a child registered as a pupil in a school;

"registered day care premises" means premises registered under Article 2 of the Day Care of Children (Jersey) Law 2002;

"registered medical practitioner" means a person registered as a medical practitioner under the Medical Practitioners (Registration) (Jersey) Law 1960;

"Religious Education Advisory Council" means the Council established under Article 60;

"school" means any institution providing full or part-time education;

"school day" means, in relation to a child, any day on which the school at which the child is a pupil is open for instruction;

"school term" means, in relation to a child, a term for the school at which the child is, or is to be, a pupil;

"school year" means the period beginning on 1st September in a year and ending on 31st August in the following year or such other period as may be prescribed;

"secondary school" means a school in which there is mainly provided full-time education suitable to the requirements of children who have attained the age of 12 years;

"special educational needs", "special educational provision" and "special school" shall be construed in accordance with Article 4;

"supervision order" has the same meaning as in the Children (Jersey) Law 2002;

"supervisor" means a person under whose supervision a child is placed by an education supervision order;

"vocational education" means education and training intended to fit a person for a particular description of employment;

"vocational guidance" means advice and assistance given for the purpose of assisting persons to determine –

(a) what employments are suitable for them and available to them, having regard to their capabilities; and

(b) what education is required by them and available to them in order to fit them for those employments;

"young person" means a child who is over compulsory school age.[2]

(2) Unless the context requires otherwise, a reference in this Law to a course of education, examination or qualification by name shall be construed as a reference to the course of education, examination or qualification of that name for the time being available in the United Kingdom.

2 Compulsory school age

(1) For the purposes of this Law, a child is of compulsory school age throughout the period beginning on the first day of the school term in which the child's fifth birthday falls and ending on 30th June in the school year in which the child attains the age of 16 years, and the terms "below compulsory school age", "upper limit of compulsory school age" and "over compulsory school age" shall be construed accordingly.

(2) For the purposes of this Article, the following periods in any school year are school terms –

(a) the period beginning on 1st September and ending on 31st December;

(b) the period beginning on 1st January and ending on 30th April; and

(c) the period beginning on 1st May and ending on 31st August.

(3) The States may by Regulations amend paragraphs (1) and (2) for the purpose of altering the period of compulsory school age.

3 Provided schools

(1) For the purposes of this Law, the schools listed in Schedule 1, Part 1 are provided schools.

(2) This Law applies in relation to any provided school specified in Schedule 1, Part 2 with such modifications as are specified in that Part in relation to that school.

(3) Without prejudice to paragraph (1), the States shall continue to have possession of and be responsible for the maintenance of the parish schools of Jersey.

(4) The States may by Regulations amend Schedule 1.

4 Special educational needs etc.

(1) For the purposes of this Law, a child has "special educational needs" if the child has a learning difficulty which calls for special educational provision to be made for the child.

(2) For the purposes of this Law, subject to paragraph (3), a child has a "learning difficulty" if –

(a) the child has a significantly greater difficulty in learning than the majority of children of the child's age;

(b) the child has a disability which either prevents or hinders the child from making use of educational facilities of a kind generally provided for children of the child's age in provided schools; or

(c) the child is below compulsory school age and is, or would be if special educational provision were not made for the child, likely to fall within sub-paragraph (a) or (b) when the child is of compulsory school age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which the child is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in the child's home.

(4) In this Law –

"special educational provision" means –

(a) in relation to a child who has attained the age of 2 years, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of the child's age in provided schools (other than special schools); and

(b) in relation to a child under that age, educational provision of any kind; and

"special school" means a school which is specially organized to make special educational provision for pupils with special educational needs.

5 Higher Education

(1) Higher education means education provided by means of a course of any description mentioned in Schedule 2.

(2) The Minister may by Order amend Schedule 2.

PART 2

GENERAL

6 Duty of States to promote education

The States shall promote the spiritual, moral, intellectual, cultural, social and physical development of the people of Jersey and, in particular, of the children of Jersey.

7 Duty of Minister to review the provision of school places

(1) This Article applies in relation to schools providing education suitable to the needs of children of compulsory school age and young persons, and any reference in it to a school shall be construed accordingly.

(2) The Minister shall, from year to year –

(a) review the numbers of school places available, both in provided and non-provided schools; and

(b) assess the current and future requirements for provision of school places by reference to the ages and numbers of the children of Jersey.

(3) Where it appears to the Minister that –

(a) a new provided school should be established;

(b) the character of a provided school should be altered; or

(c) a provided school should be closed,

the Minister shall consult upon the proposal in accordance with paragraphs (4) and (5).

(4) The Minister shall give notice of any proposal and the reasons for it to –

(a) the governing body continued or established by Part 1 of Schedule 4 (if any) of any school affected by it;

(b) teachers and other staff employed in any school affected by it, and any body representative of their interests;

(c) the parents of a pupil at any school affected by it; and

(d) where the proposal affects a secondary school, the parents of any pupil at a primary school from which pupils ordinarily transfer to that secondary school.

(5) The Minister shall allow any body or person given notice of a proposal not less than 2 months in which to make representations to the Minister about the proposal.

(6) The Minister shall, not later than 3 months after the day on which the period allowed in accordance with paragraph (5) expires, report to the States upon the proposal.

(7) The Minister's report to the States shall –

(a) state the proposal and the reasons for it;

(b) indicate any revision of the proposal having regard to representations made under paragraph (5);

(c) summarize any representation made under paragraph (5) which has not resulted in a revision of the proposal and the reason why no revision has been made; and

(d) the Minister's recommendation in respect of the proposal.

(8) For the purposes of paragraph (3)(b), the character of a school is altered if –

(a) education begins or ceases to be provided in it for pupils above or below a particular age;

(b) education begins or ceases to be provided in it for girls as well as boys or vice versa;

(c) arrangements for the admission of pupils by reference to ability or aptitude are made or altered; or

(d) the school premises are significantly enlarged or altered, or the school transferred to a new site.

PART 3

CHILDREN BELOW COMPULSORY SCHOOL AGE

8 Powers of Minister with respect to nursery schools and classes

The Minister may establish nursery schools, and nursery classes in provided primary schools, and maintain any nursery school and nursery class established by the Minister.

9 Power of States to charge for a place in a nursery school or class

The States may by Regulations make provision for a fee to be charged for the attendance of a child below compulsory school age in a nursery school or nursery class established and maintained by the Minister.

10 Power of Minister to give assistance

(1) The Minister may give financial or other assistance to any person receiving children below compulsory school age at registered day care premises for the purpose of promoting the provision of education for such children on those premises.[3]

(2) Financial or other assistance may be given in such manner and subject to such conditions as the Minister thinks fit, having regard to the purpose expressed in paragraph (1).

PART 4

CHILDREN OF COMPULSORY SCHOOL AGE

11 Duty of Minister with respect to child of compulsory school age

The Minister shall ensure that there is available to every child of compulsory school age full-time education appropriate to the child's age, ability and aptitude.

12 Duty of parent of child of compulsory school age

(1) A parent of a child of compulsory school age shall ensure that the child receives full-time education appropriate to the child's age, ability and aptitude, and any special educational needs the child may have, either by regular attendance at a school at which the child is a pupil or otherwise, in accordance with Article 13.

(2) For the purposes of this Article, a child shall not be deemed to have failed to attend regularly at the school at which the child is a pupil by reason of the child's absence –

(a) with leave granted by the headteacher of the school;

(b) at any time when the child is prevented from attending by reason of sickness or any unavoidable cause; or

(c) on any day set aside for religious observance by the religious body to which the child's parent belongs.

(3) A parent who fails to comply with paragraph (1) shall be guilty of an offence and liable to a fine not exceeding level 2 on the standard scale.

13 Education otherwise than at school

(1) A child of compulsory school age shall not receive full-time education otherwise than by regular attendance at school unless the arrangements made for the child's education have been approved by the Minister.

(2) The Minister shall approve arrangements made for the education of a child otherwise than at school if the Minister is satisfied that the instruction to be received by the child is at least equal to the instruction that a child of the same age would receive in a provided school.

(3) Any approval may be given subject to such conditions as the Minister thinks fit and shall be withdrawn at any time when the Minister ceases to be satisfied as to the arrangements made for the child's education.

(4) The Minister may cause a child educated otherwise than at school to be examined and the child's educational progress assessed from time to time.

14 Education supervision orders

(1) Subject to paragraph (4), where the Petty Debts Court is satisfied that a child of compulsory school age is not receiving the education required by Article 12(1), it may make an order placing the child under the supervision of an officer in an administration of the States for which the Minister is assigned responsibility.[4]

(2) Where a child is a pupil at a school which the child is not attending regularly then, unless it is proved that the child is receiving the education required by Article 12(1), it shall be assumed that the child is not.

(3) An application for an education supervision order shall be made by the Minister.

(4) No education supervision order may be made with respect to a child who is the subject of a supervision order.

(4A) An appeal shall lie to the Court against the making of an order under this Article by the Petty Debts Court.[5]

(4B) The power to make rules of court under Article 13 of the Royal Court (Jersey) Law 1948 and Article 2 of the Law Reform (Miscellaneous Provisions) (Jersey) Law 1967 shall include the power to make rules regulating practice and procedure in applications and appeals under this Article.[6]

(5) Schedule 3 makes further provision with respect to education supervision orders.

15 Parental right to choose school

(1) The parent of a child aged below or of compulsory school age shall have the right to express a preference as to the provided school at which the parent wishes education to be provided for his or her child in the exercise of the Minister's functions.

(2) Subject to paragraph (3), the Minister shall comply with any preference expressed pursuant to paragraph (1).

(3) The Minister shall not be required to comply with a preference if to do so would prejudice the provision of efficient education or the efficient use of resources.

16 Jersey Curriculum

(1) The Minister shall, after consultation with the Jersey Curriculum Council –

(a) establish a basic curriculum for the education of children of compulsory school age, to be known as the Jersey Curriculum; and

(b) revise that Curriculum whenever the Minister considers it necessary or expedient to do so.

(2) The Jersey Curriculum –

(a) shall specify –

(i) different stages in the education of a child of compulsory school age, by reference to the age of the child or by reference to the age of the majority of pupils in the class in which, in relation to a particular subject, the child is regularly taught, and

(ii) subjects which a child must be taught at any particular stage in the child's education;

and

(b) may specify –

(i) a range or ranges of subjects that a child may elect, at any particular stage of the child's education, to be taught, and

(ii) cases in which all or any of its requirements are to be disapplied or modified.

(3) The Jersey Curriculum may also specify, in relation to any subject –

(a) the matters, skills and processes which must be taught to children of different abilities and maturities at any particular stage of their education;

(b) the minimum number of hours in the school year for which the subject must be taught at any particular stage in a child's education;

(c) the knowledge, skills and understanding which children of different abilities and maturities are expected to have attained by the end of any particular stage in their education; and

(d) the arrangements for assessing children for the purpose of ascertaining the level of knowledge, skills and understanding they have attained by the end of any particular stage in their education.

(4) In discharging his or her duty under this Article, the Minister shall have regard to the need for the Jersey Curriculum to be balanced and broadly based, and to prepare children for the opportunities, responsibilities and experiences of adult life.

(5) The Minister shall cause the Jersey Curriculum to be made available in schools in which children of compulsory school age are educated and to parents of children of compulsory school age.

17 Parental right to receive school report

(1) The parent of a pupil of compulsory school age in a provided school shall have the right to receive one written report in every school year in respect of the parent's child's education.

(2) The matters to which a report relates shall include the child's progress in all subjects and activities undertaken by the child at the school, and the report shall include the results of any assessments made in accordance with the requirements of the Jersey Curriculum.

(3) It shall be the duty of the headteacher of every provided school to ensure that the reports required under this Article in respect of the pupils in his or her school are made.

18 Religious education in provided schools

Subject to Article 20, a pupil of compulsory school age in a provided school shall receive religious education in accordance with a syllabus approved by the Minister after consultation with the Religious Education Advisory Council.

19 Acts of worship in provided schools

(1) Subject to Article 20, a pupil of compulsory school age in a provided school shall attend an act of worship on at least one school day in each week during the school term.

(2) The act of worship shall be broadly Christian in nature, but not distinctive of any particular religious denomination.

20 Right of parent to withdraw pupil from religious education and acts of worship

(1) A parent of a pupil in a provided school may, on giving notice to the headteacher of the school, withdraw the pupil, either wholly or in part, from religious education or from acts of worship, or both.

(2) Where a headteacher receives notice under paragraph (1), the headteacher shall provide supervision of the pupil during the periods when the pupil would otherwise receive religious education or attend an act of worship.

21 Provision of premises for denominational religious instruction

Where the Minister is satisfied that –

(a) a sufficient number of parents of pupils in a provided school want them to receive religious instruction in accordance with the tenets of a particular religious denomination;

(b) satisfactory arrangements have been made for the provision of such instruction to those pupils;

(c) the cost of providing such instruction will not fall upon public resources; and

(d) the provision of such instruction will not operate to the detriment of other pupils in the school,

the Minister shall make premises available for the carrying out of those arrangements.

22 Saving for teachers etc.

(1) No person shall, by reason of the person's religious beliefs or the person's attending or omitting to attend religious worship, be disqualified from employment as a teacher in a provided school, or from being otherwise engaged for the purposes of such a school.

(2) No teacher in a provided school shall be in any way disadvantaged in the teacher's employment by reason of the teacher's religious beliefs or the teacher's attending or omitting to attend religious worship.

(3) No teacher in a provided school shall be required to give religious education, unless the teacher was employed for the purpose of giving such education, or be in any way disadvantaged in the teacher's employment by reason of the fact that the teacher does or does not give religious education.

23 Provision of transport

(1) The Minister may make such arrangements for the provision of transport or otherwise as the Minister considers appropriate for the purpose of facilitating the attendance at school of a pupil.

(2) The Minister may prescribe by Order, for the purposes of the arrangements referred to in paragraph (1) –

(a) the circumstances in which a fee will be charged for the provision of transport or other assistance; and

(b) the amount of any fee so charged.

24 Provision of clothing etc.

(1) Where it appears to the Minister that a child is unable, by reason of the inadequacy or unsuitability of the child's clothing or footwear, to take full advantage of the education provided at school, the Minister may, as the Minister thinks fit, give the child or provide the child with the use of such article or articles of clothing or footwear as the Minister considers necessary for the purpose of ensuring that the child is sufficiently and suitably clad while the child remains a pupil.

(2) The Minister may require the parent of any child to whom clothing or footwear is given or provided for use to pay such sum, not exceeding the cost to the Minister in respect of it, as the Minister considers the parent able to pay without financial hardship.

25 Cleanliness

(1) The headteacher of a provided school who suspects that a pupil of compulsory school age is infested with vermin or in a foul condition or suffering from an infectious disease may –

(a) direct that the pupil be excluded from school until the pupil's parent provides confirmation from a registered medical practitioner that the pupil is free from any such condition; or

(b) request, in writing, the medical officer to cause the person and clothing of the pupil to be examined in the interests of cleanliness or to prevent the spread of infectious disease.

(2) Upon the receipt of a request made pursuant to paragraph (1)(b), the medical officer shall arrange for the pupil to be examined and notify the parent of the pupil of the arrangement.

(3) The parent of a pupil who is to be examined shall be entitled to attend the examination, but the examination shall not be delayed by reason that the parent is unable or unwilling to attend at the time and place for which the examination has been arranged.

(4) When a pupil has been examined, the medical officer shall report to the headteacher upon the condition and clothing of the pupil and, if the pupil has been found to be infested or in a foul condition or suffering from an infectious disease, the headteacher may direct that the pupil be excluded from school until such time as the condition has been remedied.

(5) A direction by the headteacher under paragraph (1)(a) or under paragraph (4) shall be a defence to any proceedings under this Law or any other enactment in respect of the failure of the child to attend school on any day on which the child is excluded in pursuance of the direction, unless it is proved that the issue or continuance of the direction was necessitated by the wilful default of the child or the child's parent.

(6) No pupil shall be examined under the powers conferred by this Article except by a registered medical practitioner or by a person authorized for that purpose by the medical officer.

26 Restriction of employment of children of compulsory school age

(1) Subject to paragraph (2), it shall be an offence for any person to employ a child of compulsory school age during the hours that the school at which the child is a pupil is open for instruction.

(2) Paragraph (1) and any other enactment regulating the hours during which or the number of hours for which a child of compulsory school age may be employed on a school day shall not apply where the employment of the child is in pursuance of arrangements made or approved by the headteacher of the school at which the child is a pupil for the purpose of providing that pupil with work experience.

(3) A person guilty of an offence under paragraph (1) shall be liable to a fine not exceeding level 2 on the standard scale.

(4) For the purposes of this Article, a child who assists in a trade or occupation carried on for profit shall be deemed to be employed notwithstanding that the child receives no reward for the child's labour.

27 Fees

No fees shall be charged for the provision of education forming part of the Jersey Curriculum or religious education forming part of the syllabus approved pursuant to Article 18 for a child of compulsory school age in a provided school during school hours.

PART 5

SPECIAL EDUCATIONAL NEEDS

28 Interpretation of Part 5

In this Part, "child" does not include any young person who is not in full or part time education.

29 Duty of Minister in relation to child with special educational needs

(1) The Minister shall ensure that the identity of every child who has special educational needs is determined, and the special educational provision required by the child assessed from time to time.

(2) The Minister shall ensure that there is available to every child who has special educational needs the special educational provision required by the child.

(3) The Minister shall ensure that, if the conditions described in paragraph (4) are satisfied, a child who has special educational needs shall be educated in a school which is not a special school, unless it is incompatible with the wish of the child's parent or, in the case of a child who has attained the age of 16 years, the child's own wish.

(4) The conditions are that educating the child in a school which is not a special school is compatible with –

(a) the child's receiving the special educational provision which the child's learning difficulty calls for;

(b) the provision of efficient education for the children with whom the child will be educated; and

(c) the efficient use of resources.

30 Power of Minister to require assessment

The Minister may cause any child who is believed or known by the Minister to have special educational needs to be assessed as to the child's special educational needs and the special educational provision required by the child.

31 Parental rights in relation to special educational needs

(1) A parent of a child shall have the right to request an assessment of whether or not the parent's child has special educational needs and, if the child has special educational needs, the special educational provision required by the child.

(2) The parent of a child in relation to whom it is proposed to make an assessment of special educational needs and special educational provision shall have the right –

(a) except where the assessment is to be made at the request of the parent, to be notified of the proposal to make an assessment;

(b) to be informed about the procedure relating to the assessment;

(c) to be informed about the parent's rights under this Part in relation to the assessment;

(d) to make representations about and produce evidence for the purposes of the assessment;

(e) to be present at any examination of the child carried out for the purposes of the assessment;

(f) to be notified, in writing, of the results of the assessment;

(g) to appeal against any part of the results of the assessment.

(3) An appeal under paragraph (2)(g) shall be made to the Minister no later than 15 days after the parent is notified of the results of the assessment, and shall be determined by the Minister.

(4) The Minister may by written direction delegate the power to receive and determine any appeal under paragraph (2)(g) to the Chief Officer or to a panel of persons appointed by the Minister for the purpose, subject to the conditions, exceptions or qualifications that the Minister may specify in the direction.[7]

32 Power to make Orders relating to children with special educational needs

The Minister may by Order make provision facilitating the discharge of any duties and the exercise of any rights under this Part, including, but not by way of limitation, provision for –

(a) the procedures applicable to the determination of the special educational needs of a child and the assessment of the special educational provision required by the child;

(b) the persons who are to determine the special educational needs of a child, and assess the special educational provision required by the child;

(c) the persons to be consulted prior to the making of an assessment or determination;

(d) the circumstances in which a statement of special educational needs is required to be maintained in respect of a child;

(e) the preparation, content, distribution and retention of a statement of special educational needs;

(f) special educational provision otherwise than in a provided school, or otherwise than in Jersey;

(g) enabling a child with special educational needs to be exempted from all or any part of the Jersey Curriculum;

(h) monitoring of and preparation of a report on a child with special educational needs by the school at which the child is a pupil;

(i) the frequency of and procedure in relation to further assessments in respect of a child;

(j) the procedure applicable to any appeal under this Part; and

(k) funding and the payment of costs where special educational provision is made outside Jersey.

PART 6

BEHAVIOUR AND DISCIPLINE

33 Purposes

The purposes of this Part are –

(a) the promotion of self-discipline and proper regard for authority, the encouragement of good behaviour and respect for others and the property of others and the attainment of acceptable standards of behaviour among pupils; and

(b) the regulation of the conduct of pupils.

34 Role of Minister

The Minister may issue to any provided school –

(a) a statement of general principles relating to the purposes of this Part;

(b) guidance in respect of any particular matter relating to the provisions of this Part.

35 Duty of headteacher

(1) Every headteacher of a provided school shall determine –

(a) what is to be regarded as an acceptable standard of behaviour in the school; and

(b) measures including, as required, rules and provisions for enforcement, for the furtherance in the school of the purposes of this Part.

(2) Every headteacher of a provided school shall, in determining any measures –

(a) ensure that they are consistent with any statement of general principles issued under Article 34(a); and

(b) have regard to any guidance in respect of a particular matter issued under Article 34(b).

(3) Every headteacher of a provided school shall make any measures generally known within the school and amongst the parents of its pupils.

36 Suspension and expulsion of pupils

(1) The power to suspend or expel a pupil from a provided school shall only be exercisable by the headteacher.

(2) The headteacher of a provided school may not suspend a pupil for a period of more than 5 days or an aggregate period of more than 15 days in any school term without the agreement in writing of the Chief Officer.[8]

(3) The headteacher of a provided school may not expel a pupil without having obtained, firstly, the agreement in writing of the Chief Officer and, secondly, if the Chief Officer so agrees, the agreement in writing of the governing body of the school, if any.[9]

36A Power of members of staff to use reasonable force[10]

(1) This Article applies –

(a) to provided and non-provided schools; and

(b) to a person who is, in relation to a child, a member of the staff of any school at which education is provided for the child.

(2) In this Article –

(a) "member of the staff" in relation to a school means –

(i) any teacher or other person whose principal place of employment is at the school at which education is being provided in respect of a child, and

(ii) any other person who, with the authority of the head teacher, has lawful control or charge of the child for whom education is being provided at the school;

(b) "offence" includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence.

(3) A person to whom this Article applies may use such force as is reasonable in the circumstances for the purpose of preventing a child from doing (or continuing to do) any of the following, namely –

(a) committing any offence;

(b) causing personal injury to, or damage to the property of, any person (including the child himself or herself); or

(c) prejudicing the maintenance of good order and discipline at the school or among any children receiving education at the school, whether during a teaching session or otherwise.

(4) The power conferred by paragraph (3) –

(a) may be exercised only where the member of the staff and the child –

(i) are on the premises of the school in question, or

(ii) are elsewhere and the member of the staff has lawful control or charge of the child concerned;

(b) is in addition to any powers exercisable under any other enactment or rule of customary law and is not to be construed as restricting what may lawfully be done under any such other powers.

(5) The exercise of the power conferred by paragraph (3) –

(a) does not authorize the giving of corporal punishment to a child; and

(b) does not constitute the giving of corporal punishment to a child by virtue of anything done for reasons that include averting –

(i) an immediate danger of personal injury to, or

(ii) an immediate danger to the property of,

any person (including the child himself or herself).

(6) In paragraph (5), the reference to giving corporal punishment to a child is to administering a physical act on the person of a child, for the purpose of punishing that child (whether or not there are other reasons for administering the act) which would constitute assault.[11]

PART 7

NON-PROVIDED SCHOOLS

37 Interpretation of Part 7

In this Part "register" means the register maintained pursuant to Article 38(1), and "registered" and "registered school" shall be construed accordingly.

38 Register of non-provided schools

(1) The Minister shall cause to be maintained a register in which there shall be entered non-provided schools in respect of which an application has been granted under Article 40.

(2) The following particulars shall be recorded in the register in respect of each such school –

(a) the name and address of the proprietor;

(b) the name of the headteacher;

(c) the address of the school;

(d) the age range of pupils the school is to accept; and

(e) such other information as the Minister may from time to time require.

(3) The register shall be open to public inspection at all reasonable times.

39 Requirement for registration

(1) Subject to paragraph (2), any person who opens for instruction a non-provided school which is not registered shall be guilty of an offence.

(2) Paragraph (1) shall not apply to–

(a) any registered day care premises; or

(b) any institution providing instruction in languages only for persons over compulsory school age or for persons who are not ordinarily resident in Jersey.[12]

(3) Any person who, being the proprietor of a non-provided school, does any act calculated to lead to the belief that the school is a registered school, when it is not, shall be guilty of an offence.

(4) A person guilty of an offence under paragraph (1) or (3) shall be liable to a fine not exceeding level 3 on the standard scale or to imprisonment for a term not exceeding 3 months, or both.

40 Application for registration

(1) The proprietor of a non-provided school may apply to the Minister for the school to be registered.

(2) An application for registration shall contain such information and be accompanied by such documents as the Minister requires and such fee as may be prescribed.

(3) The Minister shall grant an application for registration if the Minister is satisfied that –

(a) the school premises are suitable for use as such;

(b) the facilities provided at the school, both for general and educational purposes, are adequate and suitable, having regard to the number, ages and gender of pupils it is proposed to accept;

(c) efficient and suitable instruction will be provided at the school, having regard to the ages and gender of the pupils the school is to accept and, where the pupils are to be of compulsory school age, the requirements of the Jersey Curriculum will be fulfilled;

(d) the proprietor of the school is a proper person to be the proprietor of a non-provided school;

(e) any teacher proposed to be employed in the school is a proper person to be a teacher in any school; and

(f) a suitable code as to the matters described in Article 35(1)(a) and (b) will be applied in the school.

(4) The Minister may grant an application for registration either unconditionally or subject to such conditions as the Minister thinks fit.

(5) The Minister may from time to time impose or vary conditions of registration.

(6) In determining whether or not to grant an application for registration or to impose or vary conditions of registration, the Minister shall have regard to the need to ensure that the standards of premises, facilities, instruction and staff in the school are at least equal to the standards for the time being required in provided schools and that the code referred to in paragraph (3)(f) is consistent with any statement issued under Article 34(a) and has been determined with regard to any guidance issued under paragraph (b) of that Article.

41 Notification of change in particulars

The proprietor of a registered school shall notify the Minister, in writing, of any change in the particulars recorded in the register in respect of the school within the period of 14 days commencing on the day the change occurs.

42 Reports and returns relating to registered schools

The proprietor of a registered school shall make such reports and returns, and give to the Minister such information relating to the school as the Minister may require for the purposes of the exercise of the Minister's functions under this Law.

43 Removal and striking off from register

(1) The Minister shall remove a school from the register upon the application of the proprietor.

(2) Where it appears to the Minister –

(a) that, having regard to the need described in Article 40(6), a registered school is no longer satisfactory in respect of any of the matters described in paragraph (3) of that Article; or

(b) that there has been a failure to comply with any condition imposed pursuant to Article 40(4) or (5); or

(c) that the proprietor of a registered school has failed to comply with Article 41 or 42,

the Minister shall cause a notice of complaint to be served upon the proprietor.

(3) A notice of complaint shall specify –

(a) the nature of the complaint described in paragraph (2) and the matters on which it is founded;

(b) the steps which, in the opinion of the Minister, are necessary to remedy the matters complained of; and

(c) the period within which the steps must be taken.

(4) Where the Minister is satisfied that the matters complained of are so exceptional that the striking off of the school from the register should take effect notwithstanding that an appeal is made against the notice of complaint, the notice shall contain a statement to that effect.

(5) Except as provided in paragraph (6) of this Article and Article 44(3), if the requirements specified in a notice of complaint are not complied with, the school shall be struck off from the register on the expiry of the period specified pursuant to paragraph (3)(c).

(6) The Minister may, if it thinks fit, vary the steps, and extend the period of time specified in a notice of complaint.

44 Appeals

(1) The proprietor of a school shall have a right to appeal to the Court against –

(a) the refusal of an application made under Article 40 to register the school;

(b) the imposition or variation of conditions of registration; or

(c) a notice of complaint served under Article 43(2).

(2) Any appeal under paragraph (1) must be made within 28 days of the day on which notice of the refusal, the grant subject to conditions, the imposition or variation of conditions or the complaint is served on the proprietor.

(3) Where an appeal under paragraph (1) is made in respect of a notice of complaint under Article 43, other than a notice containing the statement described in paragraph (4) of that Article, the striking off shall not take effect before the appeal is withdrawn or heard.

45 Assistance for non-provided schools

The Minister may by Order make provision with respect to the advance of financial or other assistance to non-provided schools and, in particular, but without prejudice to the generality of the foregoing –

(a) the nature and extent of any assistance to be given;

(b) the circumstances in which and the conditions subject to which assistance may be given; and

(c) any procedure relating to the giving of assistance.

PART 8

PERSONS OVER COMPULSORY SCHOOL AGE

46 Duty of Minister to young persons

The Minister shall ensure that there is available education appropriate to the reasonable needs of the generality of young persons, having regard to their different abilities and aptitudes.

47 Duty of Minister with respect to higher and vocational education

The Minister shall facilitate attendance, in Jersey or elsewhere, by any person who has not previously undertaken a course of higher or vocational education, on such a course of higher or vocational education as is appropriate to the person's abilities and aptitudes.

48 Duty of Minister to review vocational education

(1) The Minister shall review, from year to year –

(a) the demand for vocational education; and

(b) after consultation with employers, current and future requirements for vocational education.

(2) The Minister may discharge the duty to consult with employers by requesting such body of persons as appear to the Minister to have experience relevant to the exercise to carry out the consultation and report back to the Minister.

49 Duty and power of Minister with respect to continuing education

(1) The Minister shall promote the provision of continuing education.

(2) The Minister may make any facilities within the Minister's control available for the purposes of continuing education at any reasonable times when they are not otherwise in use.

50 Powers of Minister

(1) In the discharge of the Minister's duties under Articles 46 to 49, the Minister may –

(a) provide education; and

(b) give financial or other assistance to persons providing education.

(2) The Minister may secure the provision of any description of education referred to in this Part for persons to whom the duty imposed on the Minister in respect of that education does not extend.

(3) The Minister may charge a fee for –

(a) the provision of education for persons over compulsory school age; and

(b) making facilities available for the purposes of continuing education.

51 Grants and loans

The Minister may by Order make provision with respect to the advance of financial assistance to persons over compulsory school age attending courses of education, and, in particular, but without prejudice to the generality of the foregoing –

(a) the advance of financial assistance by way of mandatory or discretionary grant or loan;

(b) the amount of grant or loan available to an applicant;

(c) the courses in respect of which assistance is available;

(d) the eligibility for assistance, having regard to any one or more of the following factors –

(i) the age, educational qualifications and financial status of the applicant,

(ii) the financial status of the applicant's parent,

(iii) the financial status of any relevant person that may be prescribed,

(iv) the composition of the applicant's family unit,

(v) any other relevant factors that may be prescribed;

(e) in the case of a grant, the conditions subject to which it is given, including the amount of any contribution that any one or more of the following is required to make –

(i) the applicant,

(ii) the applicant's parent,

(iii) any relevant person that may be prescribed; and

(f) in the case of a loan, the conditions subject to which it is given, the rate of interest applicable to the loan (if any), the time and manner in which repayments are to be made and the circumstances (if any) in which the borrower's liability for the loan may be deferred or cancelled.[13]

52 Vocational guidance

(1) The Minister may provide, participate in the provision of, or give financial or other assistance to persons providing, vocational guidance.

(2) Provision may be made or assistance given under paragraph (1) on such terms and in such manner as the Minister thinks fit.

53 General duty of Minister under this Part

The Minister shall discharge the Minister's duties and exercise the Minister's powers under this Part so as to make the most efficient use of the resources available to him or her and, in particular, to avoid provision which might give rise to disproportionate expenditure.

PART 9

ADMINISTRATIVE PROVISIONS

54 Duty of Minister to make available guidance etc.

(1) The Minister shall cause to be made available –

(a) information concerning the manner in which the Minister's duties under this Law are to be discharged; and

(b) guidance concerning the manner in which the Minister's functions under this Law are to be exercised.

(2) The information and guidance described in paragraph (1) shall be made available to schools to which and to parents of children to whom it relates.

55 [14]

56 [15]

57 Establishment of governing bodies

(1) Part 1 of Schedule 4 shall have effect to establish or continue governing bodies for such provided schools or descriptions of provided schools as are specified in it.

(2) Part 2 of Schedule 4 shall have effect for the purpose of the constitution and procedures of any governing body established or continued by Part 1 of that Schedule.

(3) Part 3 of Schedule 4 shall have effect to impose duties and functions and confer powers on governing bodies established or continued by Part 1 of that Schedule.

(4) Part 4 of Schedule 4 shall have effect to impose duties on a headteacher in relation to a governing body established or continued by Part 1 of that Schedule.

(5) Part 5 of Schedule 4 shall have effect to modify Parts 2 to 4 of that Schedule in their application to such schools and their governing bodies as are specified in that Part.

(6) Subject to paragraph (7), the Minister may by Order amend Schedule 4.

(7) Before making an Order amending Part 1 of Schedule 4, the Minister shall consult upon the proposed Order with –

(a) any governing body affected by the Order;

(b) the teachers and other staff employed in any school affected by the Order and any body representative of their interests;

(c) the parents of a pupil at any school affected by the Order; and

(d) where the Order affects a secondary school, the parents of any pupil at a primary school from which pupils ordinarily transfer to that secondary school.

(8) The Minister shall allow any body or person consulted pursuant to paragraph (7) not less than 2 months in which to make representations.

58 Power of Minister to delegate functions to governing body

(1) The Minister may by Order delegate to a governing body of a school, either wholly or partly, and subject to such conditions, exceptions or qualifications as the Minister thinks fit, any of the functions of the Minister in relation to that school, excluding any power to pass an enactment.

(2) Before making an Order under paragraph (1), the Minister shall consult upon the proposed Order with –

(a) any governing body affected by the Order;

(b) the teachers and other staff employed in any school affected by the Order and any body representative of their interests;

(c) the parents of pupils at any school affected by the Order; and

(d) where the Order affects a secondary school, the parents of pupils at a primary school from which pupils ordinarily transfer to that secondary school.

(3) The Minister shall allow any body or person consulted pursuant to paragraph (2) not less than 2 months in which to make representations.

(4) The delegation of any functions by the Minister under this Article does not prevent the exercise of those functions by the Minister himself or herself.

59 Establishment etc. of Jersey Curriculum Council

Schedule 5 shall have effect for the purpose of the establishment, membership, constitution, duties, functions, powers and funding of a Jersey Curriculum Council.

60 Establishment etc. of Religious Education Advisory Council

Schedule 6 shall have effect for the purpose of the establishment, membership, constitution, duties, functions, powers and funding of a Religious Education Advisory Council.

61 Reports and returns

Every headteacher of a provided school shall make to the Minister such reports and returns and give to the Minister such information relating to the school as the Minister may require for the purposes of the exercise of the Minister's functions under this Law.

PART 10

MISCELLANEOUS AND SUPPLEMENTAL

62 Medical and dental inspection

(1) The Minister shall make facilities available in provided schools for the medical and dental inspection of children and may make facilities available for the medical and dental treatment of children.

(2) Subject to paragraph (3), the Minister shall make arrangements for encouraging and assisting children to take advantage of any medical and dental inspection and treatment provided.

(3) The Minister shall not make such arrangements in relation to a child whose parent has given notice to the Minister, or, where the child is a pupil in a provided school, to the headteacher of that school, that the parent objects to the child availing himself or herself of such inspection or treatment.

63 Power to compulsorily acquire land

(1) The States may acquire land by compulsory purchase on behalf of the public for the purposes of this Law, in accordance with the Compulsory Purchase of Land (Procedure) (Jersey) Law 1961.

(2) The power to acquire land by compulsory purchase conferred by paragraph (1) shall include the power to –

(a) acquire any interest in land or a servitude or other right in, on or over land by the creation of a new interest, servitude or right; and

(b) extinguish or modify any interest in land or a servitude or other right in, on or over land.

(3) For the purposes of this Article, "land" means any corporeal hereditament, including a building and land covered with water and also includes any interest in land or water and servitudes or rights in, on or over land or water.

64 Duty of Minister with respect to evaluation of schools

(1) The Minister shall cause every school in Jersey to be evaluated, so often as the Minister considers appropriate, as to the quality of education provided by it and the educational standards achieved in it.

(2) An evaluation pursuant to paragraph (1) shall be made by a person authorized for the purpose by the Minister, being a person who appears to the Minister to be suitably qualified for the purpose.

(3) A person authorized by the Minister to carry out an evaluation of a school shall have, at all reasonable times –

(a) a right of entry to the premises of the school concerned; and

(b) a right to inspect, and take copies of, any records kept by the school, and any other documents containing information relating to the school, which the person requires for the purposes of the evaluation.

65 Supply of information by Registrar of births and deaths

(1) The relevant registrar must supply to the Minister, free of charge, such particulars of the entries in any register of births and any register of deaths in his or her custody as the Minister may from time to time require in the discharge of the Minister's duties and functions under this Law.[16]

(2) In this Article "relevant registrar" has the same meaning as in the Marriage and Civil Status (Jersey) Law 2001, and the expression "any register of births and any register of deaths" means any such registers maintained pursuant to that Law.[17]

66 Miscellaneous powers of the Minister

The Minister may –

(a) enter into an agreement with an education authority outside Jersey for the purpose of the performance of the Minister's duties under this Law;

(b) accept, hold and administer any property upon trust for purposes connected with education;

(c) make such provision for conducting or assisting the conduct of research as appears to the Minister to be desirable for the purpose of improving the educational facilities provided for Jersey; and

(d) organize, or participate in the organization of, conferences for the discussion of questions relating to education and expend such sums as may be reasonable in paying for or contributing towards any expenditure incurred in connection with conferences for the discussion of such questions, including the expenses of any person authorized by them to attend any such conference.

67 Determination of age

Where the age of any person at any time is material for the purpose of any provision of this Law relating to proceedings in any court, the person's age at the material time shall be deemed to be or to have been that which appears to the court, after hearing any available evidence, to be or to have been the person's age at that time.

68 Regulations and Orders

(1) Any Regulations or Order made under this Law may –

(a) make different provision for different cases; and

(b) contain such transitional, consequential, incidental and supplementary provisions as appear to the States or the Minister, as the case may be, to be necessary or expedient for the purposes of the Regulations or Order.

(2) The Minister may by Order prescribe anything which may be prescribed under this Law.

(3) [18]

69 Citation

This Law may be cited as the Education (Jersey) Law 1999.

SCHEDULE 1[19]

(Article 3)

PROVIDED SCHOOLS

PART 1

(Article 3(1))

PROVIDED SCHOOLS

Bel Royal Primary School
d'Auvergne Primary School
First Tower Primary School
Grainville Secondary School
Grands Vaux Primary School
Grouville Primary School
Haute Vallée Secondary School
Hautlieu School
Highlands College
Janvrin Primary School
Jersey College for Girls
Jersey College Preparatory School
La Moye Primary School
La Sente School
Le Rocquier Secondary School
Les Landes Primary School
Les Quennevais Secondary School
Mont à l'Abbé School
Mont Nicolle Primary School
Plat Douet Primary School
Rouge Bouillon Primary School
Samares Primary School
Springfield Primary School
St. Clement Primary School

St. John Primary School

St. Lawrence Primary School

St. Luke Primary School

St. Martin Primary School

St. Mary Primary School

St. Peter Primary School

St. Saviour Primary School

Trinity Primary School

Victoria College

Victoria College Preparatory School

PART 2

(Article 3(2))

MODIFICATIONS OF THE LAW IN RELATION TO SPECIFIED PROVIDED SCHOOLS

1. In this Part of this Schedule –

   "fee paying provided schools" means Victoria College, Victoria College Preparatory School, Jersey College for Girls and Jersey College Preparatory School.

2. In the application of this Law in relation to the fee paying provided schools, Articles 15 and 27 shall not have effect.

SCHEDULE 2

(Article 5(1))

COURSES OF HIGHER EDUCATION

1. The descriptions of courses referred to in Article 5 are the following –

   (a) a course for the further training of teachers or youth and community workers;

   (b) a post-graduate course (including a higher degree course);

   (c) a first degree course;

   (d) a course for the Diploma of Higher Education;

   (e) a course for the Higher National Diploma or Higher National Certificate or the Diploma in Management Studies;

   (f) a course for the Certificate in Education;

   (g) a course in preparation for a professional examination at a higher level;

   (h) a course providing education at a higher level, whether or not in preparation for an examination.

2. For the purposes of paragraph 1(g), a professional examination is at a higher level if its standard is higher than the standard of examinations at advanced level for the General Certificate of Education or the examination for the National Certificate or the National Diploma.

3. For the purposes of paragraph 1(h), a course is to be regarded as providing education at a higher level if the standard is higher than the standard of courses providing education in preparation for any of the examinations mentioned in paragraph 2.

SCHEDULE 3[20]

(Article 14(5))

EFFECT OF EDUCATION SUPERVISION ORDERS

1

(1) Where an education supervision order is in force with respect to a child, it shall be the duty of the supervisor –

(a) to advise, assist and befriend and give directions to the child and the child's parents in such a way as will, in the opinion of the supervisor, secure that the child is properly educated; and

(b) where any such directions given to the child or a parent of the child have not been complied with, to consider what further steps to take in the exercise of the supervisor's powers under this Law.

(2) Before giving any directions under sub-paragraph (1), the supervisor shall, so far as is reasonably practical, ascertain the wishes and feelings of the child and the child's parents, including, in particular, their wishes as to the place at which the child should be educated.

(3) When settling the terms of any such directions, the supervisor shall give due consideration –

(a) having regard to the child's age and understanding, to such wishes and feelings of the child as the supervisor has been able to ascertain; and

(b) to such wishes and feelings of the child's parents as the supervisor has been able to ascertain.

(4) Directions may be given under this paragraph at any time while the education supervision order remains in force.

2

Where an education supervision order is in force with respect to a child, the duties of the child's parents under Article 12 shall be superseded by their duty to comply with any directions in force under the education supervision order.

3

(1) This paragraph applies where an education supervision order and a supervision order are in force at the same time with respect to the same child.

(2) Any failure to comply with a direction given by the supervisor under the education supervision order shall be disregarded if it would not have been reasonably practicable to comply with it without failing to comply with a direction given under the supervision order.

4

(1) An education supervision order shall have effect for a period of one year, beginning with the date on which it is made.

(2) An education supervision order shall not expire if, before it would otherwise have expired, the Petty Debts Court has, on the application of the Minister, extended the period during which it is in force by a further period of up to 3 years.

(3) The application referred to in sub-paragraph (2) may not be made earlier than 3 months before the date on which the order would otherwise expire.

(4) The period during which an education supervision order is in force may be extended under sub-paragraph (2) on more than one occasion.

(5) Notwithstanding the foregoing provisions of this paragraph, an education supervision order shall cease to have effect when –

(a) the child attains the upper limit of compulsory school age; or

(b) a care order is made with respect to the child.

5

The parent of a child with respect to whom an education supervision order is in force shall –

(a) if asked by the supervisor, inform the supervisor of the child's address (if known to the parent); and

(b) if the child is living with the parent, allow the supervisor reasonable contact with the child.

6

(1) The Petty Debts Court may discharge an education supervision order on the application of the child to whom it relates, the child's parent or the Minister.

(2) Before discharging an education supervision order, the Petty Debts Court may direct the Minister to investigate the circumstances of the child.

7

(1) The parent of a child in relation to whom an education supervision order is in force shall be guilty of an offence if the parent or the child persistently fails to comply with a direction given under the order.

(2) It shall be a defence for any person charged with an offence under sub-paragraph (1) to prove that –

(a) the person took all reasonable steps to ensure that the direction was complied with;

(b) the direction was unreasonable; or

(c) the person had complied with –

(i) a requirement included in a supervision order, or

(ii) directions given under such a requirement,

and that it was not reasonably practical to comply both with the direction in relation to which the person is charged with an offence and with the requirement or directions given under the supervision order.

(3) A person guilty of an offence under this paragraph shall be liable to a fine not exceeding level 2 on the standard scale.

SCHEDULE 4[21]

(Article 57)

GOVERNING BODIES

PART 1

(Article 57(1))

CONTINUATION OR ESTABLISHMENT OF GOVERNING BODIES

1

The governing bodies in existence immediately before this paragraph comes into force for the schools described below shall continue in existence as if they had been established under this Law, that is to say for –

(a) each secondary school which is a provided school, excluding Victoria College.

2

The governing body for Jersey College for Girls continued by paragraph 1 shall also be the governing body for Jersey College Preparatory School.

3

There shall be established under this Law one governing body for both Victoria College and Victoria College Preparatory School.

PART 2

(Article 57(2))

CONSTITUTION AND PROCEEDINGS OF GOVERNING BODY

4

A governing body shall be a body corporate.

5

(1) A governing body of a school shall consist of –

(a) for each school for which it is the governing body, 2 persons, each of whom is the parent of a pupil in that school, elected by the parents of the pupils in that school and each referred to in this Schedule as a "parent governor";

(b)

(c) for each school for which it is the governing body, one member of the staff of the school elected by the staff, and referred to in this Schedule as a "staff governor"; and

(d) 3 or more persons co-opted by the persons holding office pursuant to clauses (a) and (c), and each referred to in this Schedule as an "invited governor".

(2) A parent governor, a staff governor and an invited governor shall hold office as a governor for 3 years save that, when the governing body is established, of the first persons elected or co-opted to it as governors –

(a) half of the parent governors shall be elected to hold office for a period of one year and the other half shall be elected to hold office for a period of 3 years;

(b) a staff governor shall hold office for a period of 2 years; and

(c) the invited governors shall be respectively co-opted for a period of one, 2 and 3 years.

(3) Subject to sub-paragraph (4), the members of the governing body shall each year elect from among their number a chairman and vice-chairman.

(4) A staff governor shall not be eligible to be chairman or vice-chairman.

(5) A person who vacates the office of governor, chairman or vice-chairman shall be eligible for re-election, nomination or co-option, as the case may be.

(6) It shall be the duty of a headteacher to conduct any election within the headteacher's school of a parent governor or a staff governor, in accordance with guidance issued by the Minister.

6

(1) No person may be, without the approval of the Minister, a member of more than one governing body.

(2) A staff governor shall be disqualified for continuing to hold such office upon the staff governor ceasing to be a member of the staff of the school by which the staff governor was elected.

(3) A governor may resign by tendering the governor's resignation, in writing, to the chairman.

(4) A governor may be removed from office by the other members of the governing body if, without the prior agreement of the chairman, the governor fails to attend 2 consecutive meetings of the governing body.

(5) A governor may, for good and urgent cause, be suspended or removed from office by the other members of the governing body or by the Minister.

(6)

(7) Where the Minister removes from office all of the members of a governing body the Minister shall –

(a) make such arrangements as may be necessary for the formation of a new governing body; and

(b) report the removal to the States.

7

(1) A governing body shall meet at least once in every term of the school.

(2) Every meeting of a governing body may be attended by –

(aa) the Minister or a person nominated by the Minister for the purpose;

(a) the Director of Education or a person nominated by the Director of Education for the purpose; and

(b) subject to sub-paragraph (3), each headteacher of a school for which it is the governing body.

(3) A headteacher may be required by the governing body to withdraw when the governing body is discussing any matter concerning the terms and conditions of the headteacher's employment, including the headteacher's remuneration, or any disciplinary matter which concerns the headteacher.

(4) Subject to sub-paragraph (5), each member of a governing body shall have a vote on any decision, and the decision shall be determined by a simple majority.

(5) A staff governor may be required by the other members of the governing body to withdraw when the governing body is discussing any matter concerning the appointment and the terms and conditions of employment, including the remuneration, of or any disciplinary matter concerning, all or any of the members of the staff, including the headteacher, of the school of which the staff governor is a member of staff and shall not have a vote on any decision concerning such a matter.

(6) Except as expressly provided in this Schedule, a governing body may establish its own procedures.

8

The members of a governing body shall not be entitled to any remuneration, but the reasonable expenses of the governing body and its members shall be defrayed out of the budget for the school.

PART 3

(Article 57(3))

FUNCTIONS OF GOVERNING BODY

9

(1) It shall be the duty of the governing body of a school to ensure that the requirements of this Law and any other enactment, and the procedures established by and policies of the Minister are complied with and given effect within the school.

(2) It shall be the duty of a governing body to perform any function delegated to it under Article 58.

10

(1) The governing body of a school shall, in accordance with the appointments procedures and policies of the Minister, assist the Minister in the appointment of members of the staff of the school pursuant to Article 56.

(2) The governing body of a school shall, in accordance with the grievances procedures and policies of the Minister, hear and seek to resolve any grievance of a member of the staff of the school.

(3) The governing body shall, in accordance with the disciplinary procedures and policies of the Minister, consider the case of any member of the staff of the school whose conduct or performance is unsatisfactory or falls below the standard required of the staff member, and may issue a formal reprimand to the member of the staff or recommend to the Minister the staff member's suspension or dismissal.

11

The governing body of a school shall for each year, in accordance with the procedures established by and policies of the Minister, plan the expenditure for the school.

12

The governing body of a school shall keep under review the extent to which the school is achieving the aims and objectives expressed in any statement prepared by the headteacher for it.

13

(1) The governing body of a school shall, within the first term of that school in each year, prepare a report containing the following information –

(a) the names and terms of office of the governors, and the capacity in which they hold office;

(b) the dates of meetings held by the governing body within the preceding year and a summary of decisions taken by the governing body;

(c) a summary of the budget for the school for the preceding year;

(d) the names and job titles of the members of the staff of the school;

(e) a summary of the public examination results of pupils in the school within the preceding year;

(f) a summary of the school attendance record of the pupils in the school within the preceding year;

(g) a summary of the discipline and behaviour record of the pupils in the school within the preceding year; and

(h) details of how to make representations to the governing body.

(2) The report described in sub-paragraph (1) shall be submitted to the Minister and made available to parents of pupils in the school and the members of the staff of the school.

PART 4

(Article 57(4))

DUTY OF HEADTEACHER IN RELATION TO THE GOVERNING BODY

14

The headteacher of a school shall attend a meeting of the governing body when required by the governing body to do so.

15

The headteacher of a school shall co-operate with and provide the governing body with such information as it may require for the discharge of its duties under Part 3 of this Schedule including the performance of any function delegated to the governing body under Article 58.

16

The headteacher of a school shall consult with the governing body on and secure its agreement to any statement that the headteacher is required to prepare of the aims and objectives of the school.

17

(1) In the discharge of the headteacher's duty under Article 35, the headteacher shall consult with the governing body on and secure its agreement to the standards and measures determined by the headteacher pursuant to that Article.

(2) The headteacher shall report to the governing body the exclusion of any pupil pursuant to Article 25 or the suspension of any pupil pursuant to Article 36.

18

The headteacher shall provide, within the school, such secretarial services, accommodation and facilities as the governing body may reasonably require for its meetings.

PART 5

(Article 57(5))

MODIFICATIONS APPLICABLE TO SPECIFIED SCHOOLS AND THEIR GOVERNING BODIES

19

(1) Parts 2 to 4 of this Schedule shall apply in relation to Jersey College for Girls and Jersey College Preparatory School and their governing body with the modification set out in sub-paragraph (2).

(2) After paragraph 13 there shall be inserted the following paragraph –

"13A. Each year, subject to the approval of the Minister, the governing body for Jersey College for Girls and Jersey College Preparatory School shall set fees for the provision of education in each of those schools.".

20

(1) Parts 2 to 4 of this Schedule shall apply in relation to Victoria College and Victoria College Preparatory School with the modifications set out in sub-paragraphs (2) and (3).

(2) In paragraph 7, after sub-paragraph (2)(b) there shall be inserted the word "and" and the following clause –

"(c) the Attorney General and Solicitor General, or a person nominated by either of them for the purpose.".

(3) After paragraph 13 there shall be inserted the following paragraph –

"13A. Each year, subject to the approval of the Minister, the governing body for Victoria College and Victoria College Preparatory School shall set fees for the provision of education in each of those schools.".

21

(1) Parts 2 to 4 of this Schedule shall apply in relation to Highlands College and its governing body with the modifications set out in the following sub-paragraphs.

(2) In paragraph 5 –

(a) in sub-paragraph (1) –

(i) for clause (a) there shall be substituted the following clause –

"(a) 7 persons representative of the interests of industry and commerce, one of whom may be an employee of the States of Jersey or any administration thereof and may be involved in the provision of health and social services, each referred to in this Schedule as an 'industry and commerce governor', nominated by the present industry and commerce governors and approved by the governing body;",

(ii) in clause (d), for the words "3 or more persons" there shall be substituted the words "such other persons as may be";

(b) for sub-paragraph (2) there shall be substituted the following sub-paragraph –

"(2) An industry and commerce governor, a staff governor and an invited governor shall hold office as a governor for 2 years.";

(c) for sub-paragraph (3) there shall be substituted the following sub-paragraph –

"(3) The members of the governing body shall elect, from among the industry and commerce governors, a chairman and vice-chairman who shall each hold office for 2 years or such lesser period as is required by virtue of sub-paragraph (5B).";

(d) sub-paragraph (4) shall be deleted;

(e) at the beginning of sub-paragraph (5) there shall be inserted the words "Subject to sub-paragraphs (5A), (5C) and (5E),";

(f) after sub-paragraph (5) there shall be inserted the following sub-paragraphs –

"(5A) A person holding office as chairman or vice-chairman may be re-elected as such once only.

(5B) No person may hold office as chairman, and no person may hold office as vice-chairman, for a period or aggregate period exceeding 3 years.

(5C) Subject to sub-paragraphs (5D) and (5E), an industry and commerce governor may not be re-elected as such on more than 2 successive occasions.

(5D) Sub-paragraph (5C) shall not apply where, at the time of re-election, the governor holds office as chairman or vice-chairman.

(5E) Upon vacating the office of chairman or vice-chairman, an industry and commerce governor may be re-elected as such a governor once only.";

(g) in sub-paragraph (6), the words "a parent governor or" shall be deleted.

(3) In paragraph 13(1) –

(a) in clause (d), before the word "members" there shall be inserted the words "full-time"; and

(b) clause (g) shall be omitted.

(4) After paragraph 13 there shall be inserted the following paragraph –

"13A. Each year, subject to the approval of the Minister, the governing body of Highlands College shall determine the manner in which fees for the provision of education in the said College shall be set.".

22

SCHEDULE 5[22]

(Article 59)

JERSEY CURRICULUM COUNCIL

1

There is hereby established a council, to be known as the Jersey Curriculum Council.

2

The functions of the Jersey Curriculum Council shall be to –

(a) conduct consultation on the aims, objectives, content, delivery and assessment of the Jersey Curriculum;

(b) keep the Jersey Curriculum under review;

(c) offer independent advice to and undertake research and development on behalf of the Minister in respect of the Jersey Curriculum;

(d) provide advice on the Jersey Curriculum to teachers, school governors, parents and other persons concerned with the provision of education; and

(e) disseminate information about the Jersey Curriculum.

3

The Jersey Curriculum Council shall fulfil the same functions in relation to –

(a) such elements of a curriculum suitable to the needs of children of compulsory school age as do not form part of the Jersey Curriculum; and

(b) a curriculum suitable to the needs of young persons,

as it is required to fulfil in relation to the Jersey curriculum.

4

The Jersey Curriculum Council shall consist of –

(a) a chairman;

(b) a vice-chairman; and

(c) 13 other members.

5

(1) The Chief Officer shall be the chairman.

(2) The Minister shall appoint a person to be the vice-chairman.

(3) The 13 other members shall be appointed by the Minister.

6

(1) With the exception of the chairman and any member of the Jersey Curriculum Council who is an officer in an administration of the States for which the Minister is assigned responsibility, a member of the Jersey Curriculum Council shall vacate the member's office at the expiry of 3 years from the date of the member's appointment, but shall be eligible for reappointment.

(2) Any member of the Jersey Curriculum Council shall cease to hold office –

(a) if the member tenders his or her resignation in writing to the Minister;

(b) if the member appoints a special attorney without whom the member may not transact in matters real or personal;

(c) if a delegate is appointed for the member; or

(d) if, without reasonable excuse, the member absents himself or herself from 3 consecutive meetings of the Jersey Curriculum Council.

(3) A person appointed to fill any casual vacancy in the office of a member of the Jersey Curriculum Council shall hold office until the date on which the person in whose place the person is appointed would have ceased to hold office.[23]

7

Each member shall have a vote on any decision, and the decision shall be determined by a simple majority.

8

The Jersey Curriculum Council may co-opt such specialist advisers as it considers necessary for such periods of time as it considers appropriate.

9

The members of the Jersey Curriculum Council shall not be entitled to any remuneration, but the Minister shall –

(a) defray such expenses of the Jersey Curriculum Council and its members as the Minister may determine; and

(b) provide such secretarial services, accommodation and facilities as the Jersey Curriculum Council may reasonably require for its meetings.

SCHEDULE 6

(Article 60)

RELIGIOUS EDUCATION ADVISORY COUNCIL

1

There is hereby established a council, to be known as the Religious Education Advisory Council.

2

The functions of the Religious Education Advisory Council shall be to –

(a) advise the Minister on all matters concerned with religious education and acts of worship in provided schools;

(b) prepare a syllabus for religious education of pupils of compulsory school age in provided schools for approval of the Minister; and

(c) keep the syllabus approved by the Minister under review.

3

The Religious Education Advisory Council shall consist of –

(a) 6 representatives of the principal religious traditions in Jersey;

(b) 6 teachers;

(c) 6 persons nominated by the Minister.

4

(1) Except as provided in sub-paragraph (3), the Minister shall appoint all the members of the Religious Education Advisory Council.

(2) Before appointing any member as a representative of a principal religious tradition in Jersey, the Minister shall consult with representatives of that religious tradition.

(3) The Minister shall invite a body which appears to him or her to be representative of the interests of teachers to nominate one teacher to be a member of the Religious Education Advisory Council.

5

(1) A member of the Religious Education Advisory Council shall vacate the member's office at the expiry of 3 years from the date of the member's appointment, but shall be eligible for re-appointment.

(2) A member of the Religious Education Advisory Council shall cease to hold office –

(a) if the member tenders his or her resignation in writing to the Minister;

(b) if the member appoints a special attorney without whom the member may not transact in matters real or personal;

(c) if a delegate is appointed for the member; or

(d) if, without reasonable excuse, the member absents himself or herself from 3 consecutive meetings of the Religious Education Advisory Council.[24]

(3) A person appointed to fill any casual vacancy in the office of a member of the Religious Education Advisory Council shall hold office until the date on which the person in whose place the person is appointed would have ceased to hold office.

6

(1) Each year, the members of the Religious Education Advisory Council shall elect a chairman and vice-chairman from among their number.

(2) In the absence of the chairman, the vice-chairman shall preside at meetings of the Religious Education Advisory Council, and in the absence of both the chairman and the vice-chairman, the members present at a meeting shall elect a person from among their number to preside at the meeting.

7

(1) Except as provided in sub-paragraphs (2) and (3), each member shall have a vote on any decision, and the decision shall be determined by a simple majority.

(2) Where any vote is to be taken in respect of the syllabus referred to in paragraph 2(b) –

(a) each of the 3 groups of members described in paragraph 3 shall have one vote; and

(b) the vote of a group shall be determined by a simple majority of its members.

(3) A syllabus prepared by the Religious Education Advisory Council may only be submitted to the Minister if each of the 3 groups of members votes in favour of doing so.

8

The members of the Religious Education Advisory Council shall not be entitled to any remuneration, but the Minister shall –

(a) defray such expenses of the Religious Education Advisory Council and its members as the Minister may determine; and

(b) provide such secretarial services, accommodation and facilities as the Religious Education Advisory Council may reasonably require for its meetings.

ENDNOTES

Table of Legislation History

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Education (Jersey) Law 1999	L.27/1999	1 March 2000 (except Articles 37, 38, 39(3) and (4) and 40 to 44 commence 1 January 2001 and Article 39(1) and (2) commence 1 September 2001 (R&O.9484))	P.30/1999
Marriage and Civil Status (Jersey) Law 2001	L.31/2001	1 May 2002 (R&O.13/2002)	P.89/2001
Education (Removal of Governing Body) (Jersey) Order 2004	R&O.104/2004	1 October 2004	
Education (Revocation of Provided School) (Jersey) Regulations 2004	R&O.130/2004	9 November 2004	P.161/2004 (re-issue)
Children (Jersey) Law 2002	L.50/2002	1 August 2005 (R&O.74/2005)	P.200/2001
Education (Provided Schools) (Jersey) Regulations 2005	R&O.30/2005	1 August 2005	P.34/2005
Education (Amendment) (Jersey) Law 2005	L.31/2005	11 November 2005	P.117/2005
States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) Regulations 2005	R&O.46/2005	9 December 2005	P.60/2005
Employment of States of Jersey Employees (Jersey) Law 2005	L.26/2005	9 December 2005 (R&O.156/2005)	P.99/2005
Education (Governing Bodies) (Jersey) Order 2006	R&O.2/2006	23 January 2006	
Education (Amendment No. 2) (Jersey) Law 2013	L.8/2013	26 July 2013	P.54/2013
States of Jersey (Transfer of Functions No. 8) (Miscellaneous Transfers) (Jersey) Regulations 2015	R&O.158/2015	1 January 2016	P.46/2015 (re-issue)
Education (Provided Schools – Amendment of Law) (Jersey) Regulations 2016	R&O.49/2016	31 August 2016	P.14/2016

Legislation	Year and No	Commencement	◦Projet No (where applicable)
Education (Amendment No. 3) (Jersey) Law 2017	L.26/2017	1 December 2017	P.56/2017
Mental Health and Capacity (Consequential Amendment and Transitional Provision) (Jersey) Regulations 2018	R&O.49/2018	1 October 2018 (R&O.51/2018)	P.48/2018
Education (Provided Schools – Amendment of Law No.2) (Jersey) Regulations 2018	R&O.116/2018	27 November 2018	P.111/2018
Children and Education (Amendment) (Jersey) Law 2020	L.3/2020	24 April 2020	P.112/2019
States of Jersey (Minister for Children and Education, Minister for Housing and Communities and Minister for External Relations and Financial Services) (Jersey) Order 2021	R&O.29/2021	2 March 2021	
Legislation (Jersey) Law 2021	L.8/2021 (R&O.112/2021)	28 September 2021	P.26/2021
Marriage and Civil Status (Amendment No. 5) (Jersey) Law 2023	L.6/2023	24 March 2023	P.6/2022

◦Projets available at www.statesassembly.gov.je

Table of Renumbered Provisions

Original	**Current**
PART I	Part 1
1(3), (4), (5)	spent, omitted from this revised edition
PART II	Part 2
PART III	Part 3
PART IV	Part 4
PART V	Part 5
32(j)	32(i)
(k)	(j)
(l)	(k)
PART VI	Part 6
PART VII	Part 7
PART VIII	Part 8
PART IX	Part 9
PART X	Part 10
69	spent, omitted from this revised edition
70	69
Schedule 1, Part I	Schedule 1, Part 1
Part II	Part 2

Original	Current
Schedule 4, Part I	Schedule 4, Part 1
Part II	Part 2
Part III	Part 3
Part IV	Part 4
Part V	Part 5
Schedule 7	spent, omitted from this revised edition
Schedule 8	spent, omitted from this revised edition
Schedule 9	spent, omitted from this revised edition

Table of Endnote References

[1] *This Law has been amended by the States of Jersey (Amendments and Construction Provisions No. 6) (Jersey) Regulations 2005. The amendments replace all references to a Committee of the States of Jersey with a reference to a Minister of the States of Jersey, and remove and add defined terms appropriately, consequentially upon the move from a committee system of government to a ministerial system of government*

[2] *Article 1(1)* *amended by L.50/2002, L.26/2005, R&O.158/2015, R&O.29/2021*

[3] *Article 10(1)* *amended by L.50/2002*

[4] *Article 14(1)* *amended by L.31/2005*

[5] *Article 14(4A)* *inserted by L.31/2005*

[6] *Article 14(4B)* *inserted by L.31/2005*

[7] *Article 31(4)* *amended by L.26/2005*

[8] *Article 36(2)* *amended by L.26/2005*

[9] *Article 36(3)* *amended by l.26/2005*

[10] *Article 36A* *inserted by L.26/2017*

[11] *Article 36A(6)* *substituted by L.3/2020*

[12] *Article 39(2)* *amended by L.50/2002*

[13] *Article 51* *amended by L.8/2013*

[14] *Article 55* *repealed by L.26/2005*

[15] *Article 56* *repealed by L.26/2005*

[16] *Article 65(1)* *amended by L.6/2023*

[17] *Article 65(2)* *amended by L.31/2001, L.6/2023*

[18] *Article 68(3)* *deleted by L.8/2021*

[19] *Schedule 1* *amended by R&O.130/2004, R&O.30/2005, R&O.49/2016, R&O.116/2018*

[20] *Schedule 3* *amended by L.50/2002, L.31/2005*

[21] *Schedule 4* *amended by R&O.104/2004, R&O.2/2006, R&O.49/2016*

[22] *Schedule 5* *amended by L.26/2005*

[23] *Schedule 5(6)* *amended by R&O.49/2018*

[24] *Schedule 6(5)* *amended by R&O.49/2018*