
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART II

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Identification and assessment of children with special educational needs

Assessment of educational needs

15.—(1) Where [^{F1}the Authority] is of the opinion that a child for whom it is responsible falls, or probably falls, within paragraph (2), it shall serve a notice on the child's parent informing him—

- (a) that [^{F1}the Authority][^{F2} is considering whether] to make an assessment of the child's educational needs,
 - (b) of the procedure to be followed in making the assessment,
 - (c) of the name of the officer of [^{F1}the Authority] from whom further information may be obtained, and
 - (d) of the parent's right to make representations, and submit written evidence, to [^{F1}the Authority] within such period (which shall not be less than [^{F3}22 days] beginning with the date on which the notice is served) as may be specified in the notice.
- (2) A child falls within this paragraph if—
- (a) he has special educational needs, and
 - (b) it is necessary for [^{F1}the Authority] to determine the special educational provision which any learning difficulty he may have calls for.
- (3) Where—
- (a) [^{F1}the Authority] has served a notice under paragraph (1) and [^{F4}, subject to paragraph (3A),] the period specified in the notice in accordance with paragraph (1)(d) has expired, and
 - (b) [^{F1}the Authority] remains of the opinion, after taking into account any representations made and any evidence submitted to it in response to the notice, that the child falls, or probably falls, within paragraph (2),

[^{F1}the Authority] shall make an assessment of his educational needs.

[^{F5}(3A) The Authority may proceed to make an assessment under paragraph (3) before the expiry of the period specified in the notice mentioned in sub-paragraph (a) of that paragraph if it has obtained the consent in writing of the person on whom the notice was served.]

(4) Where [^{F1}the Authority] decides to make an assessment under this Article, it shall give notice in writing to the child's parent of that decision and of [^{F6}the Authority's] reasons for making it.

Changes to legislation: *The Education (Northern Ireland) Order 1996, Section 15 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(5) Schedule 1 (which makes provision in relation to the making of assessments under this Article) shall have effect.

(6) Where, at any time after serving a notice under paragraph (1), [^{F1}the Authority] decides not to assess the educational needs of the child concerned it shall give notice in writing to the child's parent of [^{F6}the Authority's] decision and the reasons for making it.

- F1** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(a)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)
- F2** 2005 NI 6
- F3** Words in art. 15(1)(d) substituted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), **ss. 6(1)(a)**, 18(2); S.R. 2016/327, art. 2
- F4** Words in art. 15(3)(a) inserted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), **ss. 6(1)(b)**, 18(2); S.R. 2016/327, art. 2
- F5** Art. 15(3A) inserted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), **ss. 6(1)(c)**, 18(2); S.R. 2016/327, art. 2
- F6** Words in Order substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 1(1)(b)** (with Sch. 2 para. 4(3), Sch. 3 para. 1(2)); S.R. 2015/35, art. 2(b)

Modifications etc. (not altering text)

- C1** Arts. 6-21B: power to disapply or modify conferred (temp.) (25.3.2020) by Coronavirus Act 2020 (c. 7), s. 87(1), **Sch. 17 para. 17** (with ss. 88-90)
- C2** Arts. 6-21B expiry of earlier affecting provision 2020 c. 7, Sch. 16 para. 17 (25.3.2022) by Coronavirus Act 2020 (c. 7), **s. 89** (with s. 90)

Changes to legislation:

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Changes and effects yet to be applied to :

- art. 15(1) words substituted by [2016 c. 8 \(N.I.\) Sch. para. 5\(2\)](#)
- art. 15(1)(d) words substituted by [2016 c. 8 \(N.I.\) Sch. para. 5\(3\)](#)
- art. 15(4) words omitted by [2016 c. 8 \(N.I.\) Sch. para. 5\(4\)](#)
- art. 15(6) words omitted by [2016 c. 8 \(N.I.\) Sch. para. 5\(5\)](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- Sch. 1 para. 3(1)(b)(i)(ii) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(2\)](#)
- Sch. 1 para. 4(1)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 14\(4\)](#)
- Sch. 2 para. 2(1)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 15\(2\)](#)
- Sch. 2 para. 9(1)(a)(b) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(12\)](#)
- Sch. 2 para. 13(2)(a)(i)(ii) and preceding word substituted by [2016 c. 8 \(N.I.\) Sch. para. 15\(20\)](#)
- Sch. 2 para. 11(1)(a)(aa) substituted for Sch. 2 para. 11(1)(a) by [2016 c. 8 \(N.I.\) Sch. para. 15\(14\)](#)
- art. 5A inserted by [2016 c. 8 \(N.I.\) s. 1](#)
- art. 6A inserted by [2016 c. 8 \(N.I.\) s. 2](#)
- art. 8(1)(d)-(f) inserted by [2016 c. 8 \(N.I.\) s. 3\(2\)\(c\)](#)
- art. 8(1A)-(1C) inserted by [2016 c. 8 \(N.I.\) s. 3\(3\)](#)
- art. 8(2A) inserted by [2016 c. 8 \(N.I.\) s. 3\(4\)](#)
- art. 8ZA inserted by [2016 c. 8 \(N.I.\) s. 3\(5\)](#)
- art. 10(3)(a)(b) substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 4](#)
- art. 12A inserted by [2016 c. 8 \(N.I.\) s. 4](#)
- art. 14(4A)(4B) inserted by [2016 c. 8 \(N.I.\) s. 5\(3\)](#)
- art. 15(4)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(4\)](#)
- art. 15(6)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 5\(5\)](#)
- art. 17(1)(a)(b) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 7\(2\)](#)
- art. 18A(4)(ba) inserted by [2016 c. 8 \(N.I.\) s. 9\(4\)\(b\)](#)
- art. 19(1A)-(1C) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(a\)](#)
- art. 19(2)(ba) inserted by [2016 c. 8 \(N.I.\) s. 8\(3\)\(b\)\(ii\)](#)
- art. 20A(7)(a)(b) and preceding word inserted by [2016 c. 8 \(N.I.\) Sch. para. 11\(4\)](#)
- art. 20A(8)(a)(i)(ii) and preceding word substituted for words by [2016 c. 8 \(N.I.\) Sch. para. 11\(5\)](#)
- art. 21(5)-(10) added by [2016 c. 8 \(N.I.\) s. 9\(2\)](#)
- art. 21A(4)-(7) inserted by [2016 c. 8 \(N.I.\) Sch. para. 12\(4\)](#)
- art. 21B(3A)-(4) substituted for art. 21B(4) by [2016 c. 8 \(N.I.\) s. 10\(2\)](#)
- art. 21C inserted by [2016 c. 8 \(N.I.\) s. 10\(4\)](#)
- art. 21ZA inserted by [2016 c. 8 \(N.I.\) s. 9\(3\)](#)