

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

General duty of board towards children for whom it is responsible

13.—(1) A board shall exercise its powers with a view to securing that, of the children for whom it is responsible, it identifies those to whom paragraph (2) applies.

(2) This paragraph applies to a child 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) For the purposes of this Part [^{F1}the Authority] is responsible for a child if ^{F2}...—

- (a) he is a registered pupil at a grant-aided school, or
- (b) he has attained the age of two years, is not over compulsory school age and has been brought to the attention of [^{F1}the Authority] as having, or probably having, special educational needs.

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F2 Words in art. 13(3) repealed (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 4](#) (with [Sch. 2 para. 4\(3\)](#)); S.R. 2015/35, art. 2(b)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)

Duties of^{F3}... health and social services trusts

14.—(1) If a health and social services authority, in the course of exercising any of its functions in relation to a child who has not attained the lower limit of compulsory school age, forms the opinion that he has, or probably has, special educational needs, that authority shall—

- (a) inform the child's parent of its opinion and of its duty under this paragraph and paragraph (2); and

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(b) after giving the parent an opportunity to discuss that opinion with an officer of the authority, bring it to the attention of ^{F4}the Authority].

(2) If, in a case falling within paragraph (1), the health and social services authority is of the opinion that a particular voluntary organisation is likely to be able to give the parent advice or assistance in connection with any special educational needs that the child may have, that authority shall inform the parent accordingly.

(3) Where it appears to ^{F1}the Authority that any health and social services authority could, by taking any specified action, help in the exercise of any of ^{F5}the Authority's] functions under this Part, ^{F1}the Authority] may request the help of the authority, specifying the action in question.

(4) A health and social services authority whose help is so requested shall comply with the request unless it considers that—

- (a) the help requested is not necessary for the purpose of the exercise by ^{F1}the Authority] of those functions, or
- (b) having regard to the resources available to it for the purpose of the exercise of its functions, it is not reasonable for it to comply with the request, or
- (c) compliance with the request is not compatible with its own statutory or other duties or obligations or unduly prejudices the discharge of any of its functions.

(5) Regulations may provide that, where a health and social services authority is under a duty by virtue of paragraph (4) to comply with a request to help ^{F1}the Authority] in the making of an assessment under Article 15 or a statement under Article 16, it must, subject to prescribed exceptions, comply with the request within the prescribed period.

(6) In this Article “health and social services authority” means—

^{F6}(a)

(b) a Health and Social Services trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.

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)

F3 Words in art. 14 heading omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 168(3)(b)**; S.R. 2022/102, art. 2(b)

F4 Words in art. 14(1)(b) substituted (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), **Sch. 3 para. 15(1)** (with Sch. 2 para. 4(3)); S.R. 2015/35, art. 2(b)

F5 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)

F6 Art. 14(6)(a) omitted (1.4.2022) by virtue of Health and Social Care Act (Northern Ireland) 2022 (c. 3), s. 8(1)(b), **Sch. 1 para. 168(3)(a)**; S.R. 2022/102, 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)

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—

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- (a) that [F1the Authority][F7 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 [F1the Authority] from whom further information may be obtained, and
 - (d) of the parent's right to make representations, and submit written evidence, to [F1the Authority] within such period (which shall not be less than [F822 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 [F1the Authority] to determine the special educational provision which any learning difficulty he may have calls for.
- (3) Where—
- (a) [F1the Authority] has served a notice under paragraph (1) and [F9, subject to paragraph (3A),] the period specified in the notice in accordance with paragraph (1)(d) has expired, and
 - (b) [F1the 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),

[F1the Authority] shall make an assessment of his educational needs.

[F10(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 [F1the 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 [F5the Authority's] reasons for making it.

(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), [F1the Authority] decides not to assess the educational needs of the child concerned it shall give notice in writing to the child's parent of [F5the Authority's] decision and the reasons for making it.

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|------------|---|
| 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) |
| F5 | 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) |
| F7 | 2005 NI 6 |
| F8 | 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 |
| F9 | 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 |
| F10 | 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 |

Modifications etc. (not altering text)

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|-----------|---|
| 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) |
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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)

Statement of special educational needs

16.—(1) If, in the light of an assessment under Article 15 of any child's educational needs and of any representations made by the child's parent, it is necessary for [^{F1}the Authority] to determine the special educational provision which any learning difficulty he may have calls for, [^{F1}the Authority] shall make and maintain a statement of his special educational needs.

(2) The statement shall be in such form and contain such information as may be prescribed.

(3) In particular, the statement shall—

- (a) give details of [^{F5}the Authority's] assessment of the child's special educational needs, and
- (b) specify the special educational provision to be made for the purpose of meeting those needs, including the particulars required by paragraph (4).

(4) The statement shall—

- (a) specify the type of school or other institution which [^{F1}the Authority] considers would be appropriate for the child,
- (b) if [^{F1}the Authority] is not required under Schedule 2 to specify the name of any grant-aided school in the statement, specify the name of any school or institution (whether in Northern Ireland or elsewhere) which it considers would be appropriate for the child and should be specified in the statement, and
- (c) indicate any provision for the child for which it makes arrangements under Article 10(1) (b) otherwise than in a school or institution and which it considers should be indicated in the statement.

[^{F11}(4A) Paragraph (4)(b) does not require the name of a school or institution to be specified if the child's parent has made suitable arrangements for the special educational provision specified in the statement to be made for the child.]

(5) Where [^{F1}the Authority] maintains a statement under this Article—

- (a) unless the child's parent has made suitable arrangements, [^{F1}the Authority] —
 - (i) shall arrange that the special educational provision indicated in the statement is made for the child, and
 - (ii) may arrange that any non-educational provision indicated in the statement is made for him in such manner as it considers appropriate, and
- (b) if the name of a grant-aided school is specified in the statement, the Board of Governors of the school shall admit the child to the school.

(6) Paragraph (5)(b) does not affect any power to suspend or expel from a school a pupil who is already a registered pupil there.

(7) Schedule 2 (which makes provision in relation to the making and maintenance of statements under this Article) shall have effect.

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)

F5 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)

F11 2005 NI 6

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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)

Appeal against decision not to make statement

17.—(1) If, after making an assessment under Article 15 of the educational needs of any child for whom no statement is maintained under Article 16, [F1the Authority] does not propose to make such a statement, it shall give notice in writing of its decision, of the reasons for making it^{F12}. . . to the child's parent.

(2) In such a case, the child's parent—

- (a) shall have the right to receive, on request, a copy of any advice given to [F1the Authority] on which the decision is based; and
- (b) may appeal to the Tribunal against the decision.

[F12(2A) A notice under paragraph (1) shall inform the parent of the right of appeal under paragraph (2) and contain such other information as may be prescribed.

(2B) Regulations may provide that where [F1the Authority] is under a duty under this Article to serve any notice, the duty must be performed within the prescribed period.]

(3) On an appeal under this Article, the Tribunal may—

- (a) dismiss the appeal,
- (b) order [F1the Authority] to make and maintain such a statement, or
- (c) remit the case to [F1the Authority] for it to reconsider whether, having regard to any observations made by the Tribunal, it is necessary for [F1the Authority] to determine the special educational provision which any learning difficulty the child may have calls for.

- 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)
- F12** 2005 NI 6

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)

Appeal against contents of statement

18.—[F13(1) The parent of a child for whom [F1the Authority] maintains a statement under Article 16 may appeal to the Tribunal—

- (a) when the statement is first made,
- (b) if an amendment is made to the statement, or
- (c) if, after conducting an assessment under Article 15, [F1the Authority] determines not to amend the statement.

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- (1A) An appeal under this Article may be against any of the following—
- (a) the description in the statement of [F5the Authority's] assessment of the child's special educational needs,
 - (b) the special educational provision specified in the statement (including the name of a school so specified),
 - (c) if no school is specified in the statement, that fact.
- (2) Paragraph (1)(b) does not apply where the amendment is made in pursuance of—
- (a) paragraph 11 (change of named school at request of parent) or 13(4)(b) (amendment ordered by Tribunal) of Schedule 2; or
 - (b) directions under paragraph 2 of Schedule 13 to the 1986 Order (revocation of school attendance order);

and paragraph (1)(c) does not apply to a determination made following the service of notice under paragraph 3 (amendment by board) of Schedule 2.]

- (3) On an appeal under this Article, the Tribunal may—
- (a) dismiss the appeal,
 - (b) order [F1the Authority] to amend the statement, so far as it describes [F5the Authority's] assessment of the child's special educational needs or specifies the special educational provision, and make such other consequential amendments to the statement as the Tribunal thinks fit, or
 - (c) order [F1the Authority] to cease to maintain the statement.
- (4) On an appeal under this Article the Tribunal shall not order [F1the Authority] to specify the name of any school in the statement (either in substitution for an existing name or in a case where no school is named) unless—
- (a) the parent has expressed a preference for the school in pursuance of arrangements under [F13 paragraph 5] of Schedule 2, or
 - (b) in the proceedings the parent, [F1the Authority] or both have proposed the school.
- (5) Before determining any appeal under this Article the Tribunal may, with the agreement of the parties, correct any deficiency in the statement.

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)

F5 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)

F13 2005 NI 6

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)

[F14]Unopposed appeals

- 18A.—**(1) This Article applies if—
- (a) the parent of a child has appealed to the Tribunal under Article 17, 20 or 20A or paragraph 11(3) of Schedule 2 against a decision of [F1the Authority] , and

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- (b) [^{F1}the Authority] notifies the Tribunal that it has determined that it will not, or will no longer, oppose the appeal.
- (2) The appeal is to be treated as having been determined in favour of the appellant.
- (3) If an appeal is treated as determined in favour of the appellant as a result of paragraph (2), the Tribunal is not required to make any order.
- (4) Before the end of the prescribed period, [^{F1}the Authority] shall—
- (a) in the case of an appeal under Article 17, make a statement under Article 16 of the child's educational needs,
 - (b) in the case of an appeal under Article 20 or 20A, make an assessment of the child's educational needs,
 - (c) in the case of an appeal under paragraph 11(3) of Schedule 2 against a determination of [^{F1}the Authority] not to comply with the parent's request, comply with the request.
- (5) [^{F15}Where the Authority is required by paragraph (4)(a) to make a statement under Article 16, the Authority] shall maintain the statement under that Article.]

- 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)
- F14** 2005 NI 6
- F15** Words in art. 18A(5) substituted (1.4.2015) by [Education Act \(Northern Ireland\) 2014 \(c. 12\), Sch. 3 para. 15\(2\)](#) (with [Sch. 2 para. 4\(3\)](#)); 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)

Reviews of statements

- 19.**—(1) A statement under Article 16 shall be reviewed by [^{F1}the Authority] —
- (a) on the making of an assessment in respect of the child concerned under Article 15, and
 - (b) in any event, within the period of twelve months beginning with the making of the statement or, as the case may be, with the previous review.
- (2) Regulations may make provision—
- (a) as to the manner in which reviews of such statements are to be conducted,
 - (b) as to the participation in such reviews of such persons as may be prescribed, and
 - (c) in connection with such other matters relating to such reviews as the Department considers appropriate.

- 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)

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)

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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)

Assessment of educational needs at request of child's parent

20.—(1) Where—

- (a) the parent of a child for whom [F1the Authority] is responsible asks [F1the Authority] to arrange for an assessment to be made in respect of the child under Article 15,
- (b) such an assessment has not been made within the period of six months ending with the date on which the request is made, and
- (c) it is necessary for [F1the Authority] to make an assessment under that Article,

[F1the Authority] shall comply with that request.

(2) Paragraph (1) applies whether or not [F1the Authority] is maintaining a statement under Article 16 for the child.

(3) If in any case where paragraph (1)(a) and (b) applies [F1the Authority] decides not to comply with the request—

- (a) it shall give[F16 notice in writing of that decision and of the reasons for making it to the parent of the child], and
- (b) the parent may appeal to the Tribunal against the decision.

[F16(3A) A notice under paragraph (3)(a) shall inform the parent of the right of appeal under paragraph (3)(b) and contain such other information as may be prescribed.]

(4) On an appeal under paragraph (3) the Tribunal may—

- (a) dismiss the appeal, or
- (b) order [F1the Authority] to arrange for an assessment to be made in respect of the child under Article 15.

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)

F16 2005 NI 6

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)

[F17] Review or assessment of educational needs at request of responsible body

20A.—(1) This Article applies if—

- (a) a child is a registered pupil at a school (whether or not he is a child in respect of whom a statement is maintained under Article 16),
- (b) the responsible body asks [F1the Authority] to arrange for an assessment to be made in respect of him under Article 15, and
- (c) such an assessment has not been made within the period of six months ending with the date on which the request is made.

(2) If it is necessary for [F1the Authority] to make an assessment or further assessment under Article 15, it shall comply with the request.

(3) Before deciding whether to comply with the request, [F1the Authority] shall serve on the child's parent a notice informing him—

- (a) that it 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 an officer of [F1the Authority] from whom further information may be obtained, and
- (d) of the parent's right to make representations, and submit written evidence, to [F1the Authority] before the end of the period specified in the notice (“the specified period”).

(4) The specified period shall not be less than [F1822 days] beginning with the date on which the notice is served.

(5) [F19Subject to paragraph (5A),] the board may not decide whether to comply with the request until the specified period has expired.

[
F20(5A) The Authority may take a decision under paragraph (5) before the expiry of the specified period if it has obtained the consent in writing of the person on whom the notice under paragraph (3) was served.]

(6) The board shall take into account any representations made, and any evidence submitted, to it in response to the notice under paragraph (3).

(7) If, as a result of this Article, [F1the Authority] decides to make an assessment under Article 15, it shall give written notice to the child's parent and to the responsible body which made the request, of the decision and of [F5the Authority's] reasons for making it.

(8) If, after serving a notice under paragraph (3), [F1the Authority] decides not to assess the educational needs of the child—

- (a) it shall give written notice of the decision and of [F5the Authority's] reasons for making it to his parent and to the responsible body which made the request, and
- (b) the parent may appeal to the Tribunal against the decision.

(9) A notice given under paragraph (8)(a) to the child's parent shall—

- (a) inform the parent of his right to appeal, and
- (b) contain such other information (if any) as may be prescribed.

(10) On an appeal under paragraph (8) the Tribunal may—

- (a) dismiss it, or
- (b) order [F1the Authority] to arrange for an assessment to be made in respect of the child under Article 15.

(11) In this Article “the responsible body” means—

- (a) in relation to a grant-aided school, the Board of Governors,
- (b) in relation to an independent school, the proprietor.]

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)

F5 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)

F17 2005 NI 6

Changes to legislation: *The Education (Northern Ireland) Order 1996, Cross Heading: Identification and assessment of children with special educational needs is up to date with all changes known to be in force on or before 10 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*

- F18** Words in art. 20A(4) substituted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), ss. 6(2)(a), 18(2); S.R. 2016/327, art. 2
- F19** Words in art. 20A(5) inserted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), ss. 6(2)(b), 18(2); S.R. 2016/327, art. 2
- F20** Art. 20A(5A) inserted (30.9.2016) by Special Educational Needs and Disability Act (Northern Ireland) 2016 (c. 8), ss. 6(2)(c), 18(2); S.R. 2016/327, art. 2

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)

Assessment of educational needs of children under two

21.—(1) Where [^{F1}the Authority] is of the opinion that a child ^{F21}... who is under the age of two years falls, or probably falls, within paragraph (2)—

- (a) it may, with the consent of his parent, make an assessment of the child's educational needs, and
- (b) it shall make such an assessment at the request of his parent.

(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) An assessment under this Article shall be made in such manner as [^{F1}the Authority] considers appropriate.

(4) After making an assessment under this Article, [^{F1}the Authority] —

- (a) may make a statement of the child's special educational needs, and
- (b) may maintain that statement,

in such manner as it considers appropriate.

- 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)
- F21** Words in art. 21(1) repealed (1.4.2015) by Education Act (Northern Ireland) 2014 (c. 12), Sch. 4 (with Sch. 2 para. 4(3)); 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:

The Education (Northern Ireland) Order 1996, Cross Heading: Identification and assessment of children with special educational needs is up to date with all changes known to be in force on or before 10 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- [art. 20 heading words substituted by 2016 c. 8 \(N.I.\) Sch. para. 10\(2\)](#)

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\(3\)](#)