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STATUTORY INSTRUMENTS

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**2005 No. 1117**

**The Special Educational Needs and  
Disability (Northern Ireland) Order 2005**

**PART II**

**SPECIAL EDUCATIONAL NEEDS**

*Identification and assessment of educational needs*

**Duty to inform parent where special educational provision made**

9. In the 1996 Order after Article 8 insert—

**“Duty to inform parent where special educational provision made**

**8A.** If—

- (a) a child for whom no statement is maintained under Article 16 is a registered pupil at an ordinary grant-aided school;
- (b) special educational provision is made for him at the school because it is considered that he has special educational needs; and
- (c) his parent has not previously been informed under this Article of special educational provision made for him at the school,

the Board of Governors of the school shall inform the child's parent that special educational provision is being made for him at the school because it is considered that he has special educational needs.”

**Review or assessment of educational needs at request of responsible body**

10. After Article 20 of the 1996 Order insert—

**“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 the board 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 the board to make an assessment or further assessment under Article 15, it shall comply with the request.

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**Changes to legislation:** *The Special Educational Needs and Disability (Northern Ireland) Order 2005, Cross Heading: Identification and assessment of educational needs is up to date with all changes known to be in force on or before 23 August 2022. 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*

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(3) Before deciding whether to comply with the request, the board 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 the board from whom further information may be obtained, and
- (d) of the parent's right to make representations, and submit written evidence, to the board before the end of the period specified in the notice (“the specified period”).

(4) The specified period shall not be less than 29 days beginning with the date on which the notice is served.

(5) The board may not decide whether to comply with the request until the specified period has expired.

(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, a board 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 the board's reasons for making it.

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

- (a) it shall give written notice of the decision and of the board'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 the board 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.” .

### **Duty to specify named school in statement**

**11.** In Article 16 of the 1996 Order (statement of special educational needs), after paragraph (4) insert—

“(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.” .

**Changes to legislation:**

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**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):

- art. 22(1)(i)-(ii) substituted for words by [2016 c. 8 \(N.I.\) s. 12\(1\)](#)