

All children Can Learn



CHANGES TO SPECIAL EDUCATIONAL NEEDS LAW

Easy read guide for children and young people



Department of
Education
www.education-ni.gov.uk

Contents

Who is this guide for?	1
Message from the Minister	3
Important words	7
Introduction	21
The Regulations	25
Part 1 General	26
Part 2 Education Authority Plan of Arrangements for Special Educational Provision	27
Part 3 – Boards of Governors	30
Part 4 – Assessments	33
Part 5 - Statements	46
Part 6 – Children Over Compulsory School Age ..	53
Part 7 – Mediation and Appeals	56
Part 8 – Compliance with Tribunal Orders and Unopposed Appeals	63
Part 9 – Revocation and Transitional Provisions ..	65

Who is this guide for?



This guide will be useful if you:

- are a **child** or a **young person**
- have **special educational needs**



Even if you do not have special educational needs this guide can still help you to understand the changes in the law that will effect **children** and **young people** who do have **special educational needs**.

This guide sets out the new law for those with special educational needs. Some of the new law is not easy to say in a few lines so we have made it easier to understand in this guide.

Message from the Minister



My name is **Peter Weir** and I am the Minister of Education in Northern Ireland.



I work for the **government** in Northern Ireland. The government helps to run the country.



My job is to think about how to give better support to children and young people and their families.

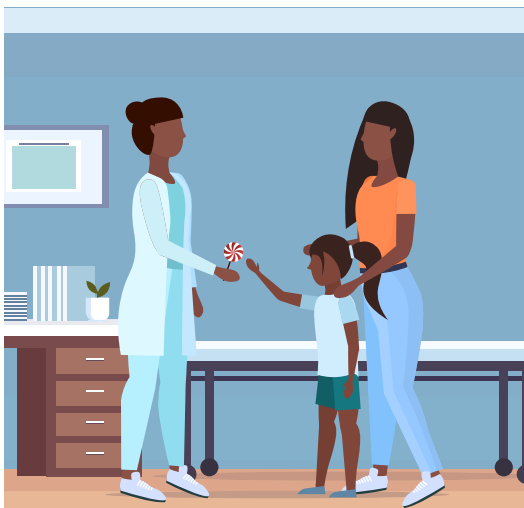
CHANGES TO SPECIAL EDUCATIONAL NEEDS LAW



Law means rules made by government to guide people.

The government wants to make some changes to the law on how children and young people with special educational needs are supported.

These changes will be in the **Education (Special Educational Needs) Regulations**.



These changes mean that children and young people and their families will:

- Get the support they need earlier to help them learn.
- Be more involved in making decisions about their lives.
- Be able to find information easier.
- Get help to prepare for their future.



It is important that everyone is able to understand the changes.

This document is an easy read guide to the changes. If you are a child or a young person with special educational needs, this guide will help you understand them.



It is important to provide information in easy read for children and young people with special educational needs.

Easy read information explains things using simple words and pictures so it will be useful for everyone.

Important Words



This is a list of important words and what they mean in this document that you may want to know more about.

The words will be in **bold** when they are used in this guide.

Important Words in This Guide



An **advocate** is someone that can help children, young people and parents say what they want if they find it hard to do themselves.

A

A



An **appeal** is what someone does if they are not happy about a decision made about their support and they want to try and change it.



An **assessment** is a way to find out what type of support is required for a **child or young person** with special educational needs.



To have an **assessment** you must:

- Be under 19 years of age.
- Have **special educational needs**.
- Need more support than your **school** can provide.



Boards of Governors

are a group of people who look after the running of a school.

B



Children (or a child)

are those aged between 0 and 19.

C



Children who are over compulsory school age

(aged between 16 and 19 years old) are called Young People.



Consent is when a parent or young person allows someone to do something.

D



Decisions are choices people make about what happens in their life.

Sometimes children, young people and parents need help to make decisions.



Dispute Avoidance Resolution Service (**DARS** for short), helps to sort out problems where people do not agree about something.



Duties are things that people have to do as part of their job.



Educational Advice is information given to the Education Authority by a school principal or a teacher about the support a child or young person needs.



The **Education Authority** has a duty to help children and young people with special educational needs get the right support.



An **Educational Psychologist** looks at how a child or young person can be supported to learn.



The **Education (Special Educational Needs) Regulations** is the name of the new law that the government wants to put in place.

The new law will mean changes to how support is given to children and young people with special educational needs.

L



Lacking capacity is when a young person is not able to make a decision for themselves.

Just because a young person finds it difficult to make one decision, it does not mean they are not able to make other decisions.



If a young person finds it difficult to make a decision, a parent or another person can help them make a decision about the support they need for their special educational needs.



The **Law** is a set of rules made by the government to guide people.



A **Learning Support Co-ordinator** is a teacher at a school who helps other teachers and children and young people who have special educational needs get the support they need. This is the new name for the SENCO.

The new law says that every school must have a learning support co-ordinator.

L



Mediation is a meeting to help people who disagree about something, like the support a **child** or **young person** gets.

They meet and talk about the problem to see if there is a way they can fix it.

There will be someone there to help them do this. This person is called a **mediator**.

M

M



A **mediation adviser** is a person that you can talk to if you want to find out information about mediation.



A **mediation certificate** is needed if a person wants to appeal to the Special Educational Needs and Disability Tribunal.

It is given out by the **mediation adviser** when a person gets in touch with them about mediation.

O



An **Order** is a decision by a court or Special Educational Needs and Disability Tribunal.



Parents are people who look after children and young people.

Often that is a mum or dad. But sometimes children and young people are cared for by other people who act as parents. This could be:



- A grandparent
- A brother or sister
- An aunt or uncle
- A carer



A **plan of arrangements** sets out the support the Education Authority will give to children and young people with special educational needs.



CHILD PSYCHOLOGIST

Psychologist Advice

is advice given by an Educational Psychologist.

R



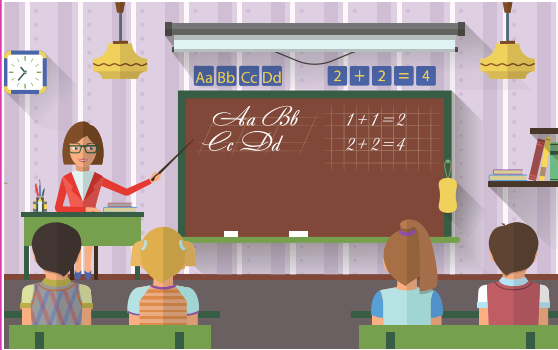
Regulations are law made by a government to make sure that something is done correctly.



A **review** means looking at things again to make sure they are right.



Rights make sure that everyone is treated the same way.



A **school** is where children and young people go to learn things that they will need when they are older.

A child aged between 2 and 5 years old can go to a nursery school.

A child aged between 5 and 16 years old must go to a **school**.



A **social worker** is someone who works with families to help make sure they get the support they need.

S



A child or young person who has **special educational needs** may:

- Find it harder to learn than others of their age.
- Face challenges that make it hard for them to go to school.
- Need extra or different support to learn.



Special educational provision is extra support to help children with special educational needs learn.



The **Special Educational Needs and Disability Tribunal (The Tribunal)**

is a court that listens to appeals and decides if a decision should be changed.



A **Statement of special educational needs** (a **Statement** for short)

is a document given to some children and young people with special educational needs.

It sets out what support will be provided to help them learn.

V



Views are what children and young people think about the support they need.

People who work with, or look after, children and young people with special educational needs should also be asked what support they think is needed.

Y



A **Young Person** (or **Young People**) is a child who is over compulsory school age (aged 16-19).

Introduction

Important words in this part



- Advocate
- Alternative person
- Children
- Duties
- Government
- Law
- Regulations
- Special educational needs
- Young people

What is this guide about?

This guide is about changes the **government** wants to make to the way **children** and **young people** who have **special educational needs** are supported.

It explains the new **law** called **Regulations** that the government wants to put in place.

This new law sets out **duties** for people who work with, or who look after, **children** and **young people** with **special educational needs**.



These changes will help **children** and **young people** with **special educational needs** to:

- Get the support they need.
- Get services they need to help them learn.
- Feel included.
- Be heard.
- Be the best they can be.



The **government** wants **children, young people** and their **parents** to have more say about what support they need.



This means that **children** and **young people** should be asked:

- What support they need?
- What they want to do in the future?



This guide is to help **children** and **young people** who have **special educational needs** understand the changes to the **law** and what it means for them.



If you have **special educational needs**, you may want to read this guide to find out more about the new law and changes and what it means for you.



Sometimes things can be hard to understand.

If you get stuck you can ask a **parent** or a friend to help you.



You can ask an **advocate** or **alternative person** to help you to do anything in this guide.

THE REGULATIONS

What are Regulations
and what do they mean?



Regulations are **law** made by a **government** to make sure that something is done correctly.

The government wants to make new law that will change the way support is given to **children** and **young people** with **special educational needs**.




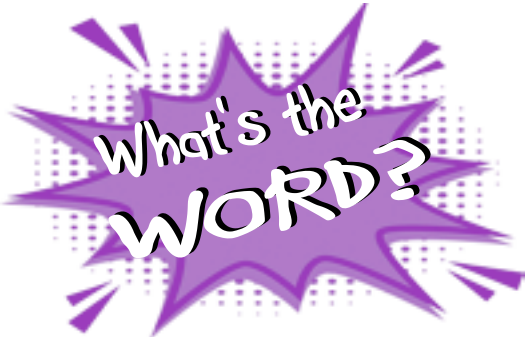
This guide will help people understand what the new **law** means. The new **law** is in 9 Parts.

If you do not understand, a **parent** or friend can help you if you get stuck.

- Part 1 -
GENERAL

Part 1 sets out some general information about the new Regulations.

Important words in Part 1

<div></div> <div><ul style="list-style-type: none">● Education (Special Educational Needs) Regulations● Regulations</div>	
Regulation numbers 1 & 2	What do they mean?
<div></div>	This gives the name of the new law that the government wants to make – The Education (Special Educational Needs) Regulations
<div></div>	It sets out important words used in the Regulations and what they mean.

- Part 2 -

EDUCATION AUTHORITY PLAN OF ARRANGEMENTS FOR SPECIAL EDUCATIONAL PROVISION

Part 2 is about the Education Authority plan of arrangements for special educational provision.

Important words in Part 2



- **Children**
- **Education Authority**
- **Plan of arrangements**
- **Views**
- **Young people**
- **Review**
- **Special educational needs**

Regulation numbers 3 & 4

What do they mean?






These **regulations** refer to the plan of **arrangements** that the **Education Authority** must write.

The **plan of arrangements** sets out the support or **special educational provision** the **Education Authority** is going to give to schools and **children** and **young people** with **special educational needs**.

When writing its **plan of arrangements** the **Education Authority** has to:

- Consider how much money it has to spend on support for schools and **children** and **young people** with **special educational needs**.



Regulation numbers 3 & 4	What do they mean?
  	<ul style="list-style-type: none">● Consider and decide what type of support is needed for schools and those children or young people with special educational needs.● Think about who will provide the support.● Listen to what other people think about what support is needed, including the views of the child or young person.● Review the plan at least once a year.

Part 3

BOARDS OF GOVERNORS

Part 3 sets out the duties of the Boards of Governors in schools.

Important words in Part 3



- **Boards of Governors**
- **Child**
- **Duties**
- **Education Authority**
- **Law**
- **Learning support co-ordinator**
- **Young person**
- **School**
- **Special educational needs**
- **Special educational provision**

Regulation numbers 5, 6, 7 & 8

What do they mean?



The new **law** means that **Boards of Governors** in schools have new **duties**.

They must do these new duties to do their job properly. They must:



- Tell the **Education Authority** if a **child** or **young person**, who is receiving **special educational provision** from the Education Authority, is off school for more than 4 weeks.
- Tell the Education Authority when the child comes back to school.

Regulation numbers 5, 6, 7 & 8

What do they mean?



- Make sure that the **Learning Support Co-ordinator** has taught and/or worked with **children** and **young people** with **special educational needs** for at least 3 years.

- allow the **Learning Support Co-ordinator**:

- Time to go to training.
- Time to do their job.
- Time to give **Boards of Governors** information about **special educational needs** matters.



Part 4 ASSESSMENTS



Part 4 sets out what needs to happen if someone thinks that a **child** or **young person** may need an **assessment**.




Important words in Part 4





- **Advocate**
- **Assessment**
- **Education Authority**
- **Child**
- **Decision**
- **Duty**
- **Educational psychologist**
- **Law**
- **Parents**
- **Social worker**
- **Special educational needs**
- **Views**
- **Young person**

What is an assessment and who can ask for one?


Regulation numbers 9 to 16	What do they mean?
	<p>An assessment is a way to find out what type of support is required for a child or young person with special educational needs.</p>
	<p>The Education Authority can decide that an assessment is needed. This may be because they have advice from someone.</p> <p>Or other people can ask the Education Authority to consider making an assessment.</p>





Regulation numbers 9 to 16	What do they mean?
	<p>These may be:</p> <ul style="list-style-type: none">● You - if you are a young person aged 16-19. You can ask someone to help you like an advocate or alternative person if you wish.● Your parents or carer.● A teacher at your school.
	
	<p>The Education Authority has a duty to consider and, if necessary, make an assessment.</p>


Regulation numbers 9 to 16	What do they mean?
 <p>Assessment?</p>	<p>The Education Authority will seek information from your school and anyone outside of school that is helping you.</p> <p>The Education Authority will then make a decision on whether an assessment is needed.</p>
	<p>When the Education Authority make their decision they must tell:</p> <ul style="list-style-type: none"> ● You (if you are aged 16-19 and have asked for an assessment yourself) ● Your representative if you have one ● Your parent or carer ● Your teacher <p>What their decision is.</p>


Regulation numbers 9 to 16	What do they Mean?
	<p>They may decide <u>YES</u> - an assessment is needed</p> <p><i>or</i></p> <p>They may decide <u>NO</u> - an assessment is NOT needed.</p>
<p>Time <u>4 weeks</u></p>	<p>The law says they must tell you what the decision is in 4 weeks.</p>
<p>Time <u>6 weeks</u></p>	<p>Sometimes things happen which means the Education Authority cannot tell you the decision in <u>4 weeks</u>.</p>  <p>If this happens the law says they must tell you the decision in <u>6 weeks</u>.</p> 

What happens if an assessment is needed?

Regulation numbers 9 to 16	What do they Mean?
	<p>If an assessment is needed the Education Authority must listen to the views of the child or young person and the people who take care of or look after children and young people with special educational needs.</p> <p>These will include:</p> <ul style="list-style-type: none"> ● Your views, if you are the child or young person who is being assessed. ● The views of your parents or carer. ● The views of the person responsible for or knows about your education.

Regulation numbers 9 to 16	What do they Mean?
	<ul style="list-style-type: none">● The views of a doctor or someone like a speech and language therapist.
 CHILD PSYCHOLOGIST	<ul style="list-style-type: none">● The views of an educational psychologist.
	<ul style="list-style-type: none">● The views of your social worker (if you have one).
	<p>The new law wants you to have the chance to say what things you might need support with.</p> <p>This is to make sure that you get the right type of support.</p>

Regulation numbers 9 to 16	What do they Mean?
<p>Time <u>8 weeks</u></p>	<p>The law says the Education Authority must complete the assessment in <u>8 weeks</u>.</p> <p>This is to make sure that children and young people get the support they need as soon as possible.</p>
 <p>Time <u>14 weeks</u></p>	<p>But sometimes things happen and the Education Authority cannot complete the assessment in <u>8 weeks</u>.</p>  <p>People who work in health, like doctors, nurses or speech and language therapists are very busy.</p>

Regulation numbers 9 to 16	What do they Mean?
	<p>Sometimes because they are working so hard they may not be able to give their views about the support needed to the Education Authority on time or they may need to see you and this takes time.</p> <p>If this happens the law says that the Education Authority must complete the assessment in <u>14 weeks</u> - <u>no matter what.</u></p> 

What happens when the assessment is completed?



Statement?

When the **assessment** is completed the **Education Authority** must decide whether the **child** or **young person** needs a **Statement**.



A **Statement** is a document given to **children** and **young people** with **special educational needs**.

It sets out what support is needed to help them learn.

They may decide **YES** – a **Statement** is needed

or

They may decide **NO** – a **Statement** is **NOT** needed.





If the **Education Authority** makes the **decision** to make a **Statement** they must tell:

- You (if you are aged 16-19)
- Your representative if you have one
- Your **parent** or carer
- Your **teacher**

What the **decision** is.

Time
4 weeks

The **law** says the **Education Authority** **must** tell you if they are going to make a **Statement** and issue a proposed **Statement** within **4 weeks** of completing their **assessment**.

A proposed **statement** sets out what support the **Education Authority** thinks you need.

You and/or your **parents**/representatives can meet with someone from your school and/or the **Education Authority** to talk about the proposed **Statement**.

Time
6 weeks

A completed **Statement** should be issued within **6 weeks** of issuing the proposed **statement**.

But sometimes things happen and the **Education Authority** cannot issue a completed **Statement** in **6 weeks**.



Time
10 weeks

If this happens the **law** says the completed **Statement** must be issued to you within **10 weeks**.





If the **Education Authority** makes the **decision NOT** to make a **Statement** they must tell:

- You (if you are aged 16-19)
- Your **parent** or carer
- Your **school**

What the **decision** is.

Time
2 weeks

The law says the **Education Authority** must tell you if they are not going to make a **Statement** within **2 weeks** of reaching that decision.

Part 5 STATEMENTS

Part 5 is about a Statement if it is decided that a child or young person needs one after they have had an assessment.

Important words in Part 5



- **Assessment**
- **Education Authority**
- **Child**
- **Consent**
- **Decisions**
- **Law**
- **Parents**
- **Review**
- **Special educational needs**
- **Statement**
- **Transition plan**

Regulation numbers 17 to 22	What do they mean?
	<p>A Statement is a document given to children and young people with special educational needs.</p> <p>It sets out what support is needed to help them learn.</p>
	<p>The law says the Statement must:</p> <ul style="list-style-type: none">● Have details of the child or young person with special educational needs, such as their name and their home address (where they live).● Have details of their parents or carers.

Regulation numbers 17 to 22

What do they mean?





- Say what the **special educational needs** are.
- Say what support is needed.
- Say how the **Education Authority** is going to check the support is working.






If a **child** or **young person** has a **Statement** the **law** says it must be reviewed every year.


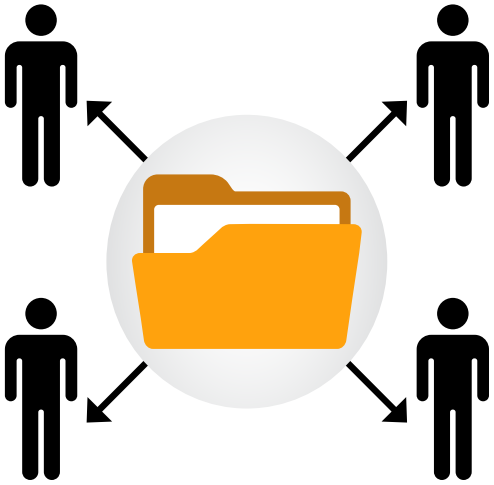
This is to make sure that the right support is in place.

The **Education Authority** review the **Statement**.

Regulation numbers 17 to 22	What do they mean?
 An illustration of a black folder with a white sheet of paper inside. The word "Report" is written in bold black letters on the paper. A black pen is resting diagonally across the bottom right corner of the paper.	<p>The review is based on a report from your school principal.</p> <p>The school principal will seek views:</p> <ul style="list-style-type: none">● From you.● From your parents or carer.● From any person at your school who knows what support you need.
 An illustration of five stylized figures sitting around a long white table. From left to right: a person in a grey shirt is writing on a notepad; a person in a grey shirt is looking at a notepad; a person in a grey shirt is gesturing with their right hand while speaking; a person in a grey shirt is looking at a laptop; and a person in a grey shirt is writing on a notepad. They are all sitting on yellow chairs.	<p>Sometimes the principal may need to have a meeting to talk about what should go into the report.</p> <p>If a meeting is needed, you (if you are aged 16-19) and/or your parents (if you are younger than 16) will be asked to come to the meeting.</p>

Regulation numbers 17 to 22	What do they mean?
	<p>A meeting is not always needed but there should be one:</p> <ul style="list-style-type: none">● At key stages of your school life.● If there are any changes in your life, for example, if you are moving to a different school.● If you or your parents are not happy with the support that you are getting.● If you are to reach 14 years of age that year.

Regulation numbers 17 to 22	What do they mean?
	<p>It is especially important to review a Statement when a child with special educational needs turns 14.</p> <p>This is because the child will soon be an adult and a plan has to be made for the future. This plan is called a transition plan.</p>
	<p>The transition plan will help the child or young person to make decisions about things like:</p> <ul style="list-style-type: none"> ● The school or college they want to go to. ● What they want to do in the future.

Regulation numbers 17 to 22	What do they mean?
	<p>If you are under 16, your parents will be the main people who will talk to people about the support you get.</p> <p>You should still be asked what you think even if you are under 16.</p> <p>You may need support to help you do this.</p>
	<p>If you have a Statement there are some people, as well as your school, that can have a copy of it, for example:</p> <ul style="list-style-type: none"> ● Someone who is giving the Education Authority advice and information when they are making an assessment. ● Someone who is giving the Education Authority advice and information when they are reviewing a Statement. ● A mediator if mediation is needed.

Part 6

CHILDREN OVER COMPULSORY SCHOOL AGE

Part 6 explains what help is out there for young people who are between 16 and 19 years old.

Important words in Part 6



- **Advocate**
- **Assessment**
- **Education Authority**
- **Decisions**
- **Lack capacity**
- **Law**
- **Parents**
- **Rights**
- **Transition Plan**
- **Young person**

Regulation numbers 32 to 33

What do they Mean?



If you are aged between **16 and 19** years old, the new **law** means you have new **rights**.

You can make **decisions** about the support you need and your future unless you **lack capacity** to do so.



Lacking capacity is when a **young person** is not able to make a **decision** for themselves.

Other people can help to make **decisions** if a **young person** is not able to do it themselves.

Regulation numbers 32 to 33

What do they Mean?



If you want you can ask your **parents** or an **advocate** or **another person** what they think about the support you need.

They can help:

- During your **assessment**.
- At the annual **review** of your **Statement**.
- When reviewing your **transition plan**.
- If you are not happy with a **decision**.

We can help!



If you do ask someone to help you they have to make sure that they do what is best for you.

Part 7


MEDIATION AND APPEALS

Part 7 is what you can do if you do not agree with a decision.

Important words in Part 7



- **Appeal**
- **Education Authority**
- **Child**
- **Decisions**
- **Law**
- **Mediation**
- **Mediation adviser**
- **Mediation agreement**
- **Mediator**
- **Parents**
- **Special educational needs**
- **Special Educational Needs and Disability Tribunal**
- **Young person**

Regulation numbers 34 to 40	What do they Mean?
	<p>There will be times when decisions are made about the support a child or young person with special educational needs should get and everyone will not agree.</p> <p>If this happens <u>sometimes</u> people can go to mediation.</p> <p>Or they can bring an appeal to the Special Educational Needs and Disability Tribunal.</p>
	<p>Mediation is a meeting to help people who disagree about something, like the support someone gets. They meet to talk about the problem and try to fix it.</p>

Regulation numbers 34 to 40

What do they Mean?



When the **Education Authority** tells you their **decision** about something they must also give you information about **mediation** such as:

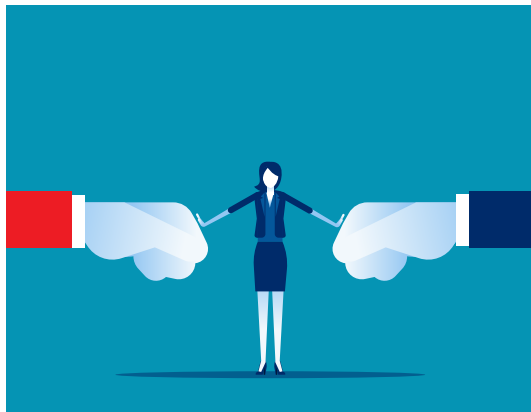
- Time limit to ask for **mediation**.
- Time limit to appeal to the **Special Educational Needs and Disability Tribunal**.
- Contact details of the **mediation adviser**.
- Telling the **mediation adviser** what you do not agree with.

Regulation numbers 34 to 40

What do they Mean?



If someone wants to go to **mediation** the **mediation adviser** must set up the meeting.



There is usually someone at the meeting to help. This person is called a **mediator**.

The **mediator** must be independent and not work for the **Education Authority**.

Who can go to Mediation?



The law says the following people can attend a **mediation** meeting:

- **Parents** or carers
- An advocate, supporter, representative or alternative person appointed by a **young person** or **parent** to speak on their behalf
- A **child** aged under 16 if everyone agrees.
- **Young person** aged between 16 and 19.
- The **mediator**.
- Any other person if everyone agrees.



After the meeting, if everyone is happy, a **mediation agreement** will be written up.

This sets out what everyone has to do and when they have to do it.

What happens if someone does not want to go for mediation?



Sometimes people do not want to go for **mediation**. Or sometimes people still cannot agree even if they have tried **mediation**.

If this happens, people can bring an **appeal** to the **Special Educational Needs and Disability Tribunal**.



However the new **law** says that before someone can bring an **appeal** to the **Tribunal** they must have a **mediation certificate**.

The **mediation certificate** is given out by the **mediation adviser** when a person gets in touch with them about **mediation**.

A certificate cannot be given out if someone does not get in touch with the **mediation adviser** about **mediation**.

Part 8

COMPLIANCE WITH TRIBUNAL ORDERS

Part 8 explains what happens after a Tribunal.

Important words in Part 8



- **Appeal**
- **Education Authority**
- **Child**
- **Decision**
- **Law**
- **Order**
- **Special educational needs**
- **Special Educational Needs and Disability Tribunal**
- **Views**
- **Young person**

Regulation numbers 41 and 42

What do they Mean?



If someone wants to **appeal** to the **Special Educational Needs and Disability Tribunal**, it will listen to everyone's **views** and make a **decision**.

This **decision** is called an **Order**.

The **Order** will set out:

- If the **Education Authority** has to do anything to support a **child** or **young person** with **special educational needs**.
- If so, what support is needed.
- When the support is to be in place.




Part 9


REVOCATIONS AND TRANSITIONAL PROVISIONS

Part 9 explains what will happen while changes to the law are taking place.

Important words in Part 9



- **Education Authority**
- **Law**

Regulation numbers 43 to 52	What do they Mean?
	<p>This section sets out the name of the old law and the name of the new law that will take its place.</p> <p>It explains how the Education Authority can move from using the old law to using the new law.</p> <p>It also explains what law the Education Authority should use in the meantime while these changes are happening.</p>

Some of the new law is not easy to understand. If you need help you can ask your parent or a friend to explain them to you.

All Children Can Learn



CHANGES TO SPECIAL EDUCATIONAL NEEDS LAW
Easy read guide for children and young people