

## GLOSSARY

**These definitions relate to terms used in the Code. In the case of terms defined in legislation, the definitions given here are simplified and the full legal definitions can be found in the legislation referred to.**

**Advocate** – a person age 18 years or over who supports and represents a parent or a child over compulsory school age.

**Affected Body:** the Board of Governors of any school which the EA is considering specifying.

**Alternative person:** where a child over compulsory school age **has capacity**, an alternative person may be any person, other than a parent, aged 18 years or over, appointed by the child to provide assistance and support and help them exercise their rights under the SEN Framework.

Where a child over compulsory school age **lacks capacity**, the alternative person may be:

- Any controller appointed for the child under Article 101 of the Mental Health (Northern Ireland) Order 1986 to make a decision in relation to the exercise of any rights conferred on the child by Part II of the 1996 Order;
- a deputy appointed by the High Court for the child under section 113 (2)(a) of the Mental Capacity Act (Northern Ireland) 2016 (once operational) to make a decision in relation to the exercise of any rights conferred on the child by Part II of the 1996 Order;
- any attorney under a lasting power of attorney (within the meaning of section 97 of that 2016 Act (once operational), appointed by the child to make a decision on his or her behalf in relation to the exercise of any rights conferred on the child by Part II of the 1996 Order; or
- any attorney in whom an enduring power of attorney (within the meaning of Enduring Powers of Attorney (Northern Ireland) Order 1987) created by the child is vested, where the power of attorney is registered in accordance with Article 6 and 8 of that Order.

**Amendment Notice:** served along with an existing Statement following an annual review of a Statement (periodic review) under Article 19(1)(b).

**Another person:** is an adult who is providing support to or advocating on behalf of the child including someone who is acting as their legal representative.

**Annual review report:** annual review report refers to a report completed by a school, on the behalf of the EA, for the purpose of the annual review of a child's Statement of Special Educational Needs.

**Appropriate Officer:** is defined as an officer who may be appointed by the HSC Trust for the area in which that child is normally resident

**Appropriate Person:** is defined as the person who gave the relevant advice or any

other person who, in the opinion of the EA is the appropriate person to discuss it with the parent or child over compulsory school age.

**Assessment:** is a statutory assessment of a child's educational needs.

**Capacity:** is defined as the ability to:

- understand the information published by the EA about the arrangements; identification and assessment of children with special educational needs;
- understand their rights and what will be required of them; and
- act in an informed way in the exercise of their rights.

**Carer:** for the purpose of this Code, a carer is a person named by a health and social care authority to care for a child for whom it has parental responsibility, i.e. a child who is the subject of a care order and who has been placed in a residential or foster placement. The carer may qualify as a parent for the purposes of the Education Orders because he or she has care of the child (see the definition of Parent below). If so, he or she will have a role to play in the consideration of a child's special educational needs.

**Child/children:** includes any person who has not attained the age of nineteen years and is a registered pupil at a school. Also includes children under the age of 2 or over the age of 2 but not yet of compulsory school age.

**Children's Authorities:** this includes any NI department, the EA and HSC Trusts.

**Children 'in need':** a child is deemed to be 'in need':-

- if he or she is unlikely, or does not have the opportunity to achieve or maintain a reasonable standard of health or development without provision made by a health and social care authority; or
- this or her health or development is likely to be significantly impaired, or further impaired, without such provision; or
- he or she is disabled. (Article 17, Children (NI) Order 1995.)

**Child protection register:** a central register which lists all the children who are considered to be suffering from, or are likely to suffer, significant harm and for which there is a child protection plan. This is not a register of children who have been abused but of children for whom there are currently unresolved child protection issues.

**Completed Statement (or otherwise):** refers to a Statement or an amended Statement of special educational needs.

**Compulsory School age:** is defined in the Education and Libraries (Northern Ireland) Order 1986 as any age between four and sixteen years. For a child whose birthday falls between 1 September and 1 July of the following year, they will be deemed not to have attained the upper limit of compulsory school age until 30 June in that following year. For a child whose birthday falls between 2 July and 31 August of the same year, they will not attain the upper limit of compulsory school age until 30 June of the following year.

**Designated Officer:** an officer of the EA or HSC Trust administration staff designated

to carry out certain functions.

**Disability Discrimination Code:** the Disability Discrimination Code of Practice for Schools issued by the Equality Commission for Northern Ireland (ECNI), see [www.equalityni.org](http://www.equalityni.org) for further details.

**Disapplication:** removal or lifting of a programme of study, attainment target, assessment, or any other component of the curriculum, or any combination of these including entire subjects or the entire curriculum. (See also **Modification**, below).

**Dispute resolution:** independent arrangements made by the EA with a view to avoiding and resolving disputes: between a young person or parent of any other child and a Board of Governors or EA about the delivery of the SEN Framework; and in a school, between a young person or the parent of any other child and a Board of Governors, about the special educational provision made for that child.

**Draft Regulations:** unless otherwise stated, refers to the draft Education (Special Educational Needs) Regulations (Northern Ireland) 202X.

**EA:** The EA was established under The Education (NI) Order 2014.

**EA Designated Officer:** means an officer of the EA with responsibility for preparing an annual review report where a child does not attend school or, in the circumstance of the preparation of a first transition plan during the school year a child with a Statement attains age 14, for giving directions to each school about the preparation of the plan and approval of that plan.

**EA's plan of arrangements:** the EA's arrangements for special educational provision to help identify, assess and make provision for children with SEN using EA resources, advice and SEN support services.

**Early years:** children who are not yet of compulsory school age.

**Educational Needs:** those needs for which the EA has assessed require Special Educational provision to be made.

**Educational Provision:** provision of any kind which is different from, or additional to, the provision made generally for children of comparable age.

**Education Transition Co-ordinator:** an officer of the EA whose role is to support children with a Statement and schools from the school year during which they attain age 14 and ensure co-operation with appropriate HSC Trusts' staff.

**Effective Classroom Practices:** include support and guidance for classroom differentiation, classroom management strategies and relevant training.

**Expected outcome:** means the knowledge, skills and understanding which a child is expected to have by the end of a particular period.

**First Transition planning meeting:** a meeting arranged by a principal or proprietor (for a child attending school) or an EA Designated Officer, for a child who does not attend school, leading to the first transition plan.

**GDPR:** means regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of natural data and on the free movement of such data (General Data Protection Regulation).

**Grant-aided school:** defined under Article 2 of the Education and Libraries (NI) Order 1986 (the 1986 Order), when used in relation to a school, institution or establishment, means a school, institution or establishment, as the case may be, to or in respect of which grants are made under the Education Orders, not being a college of education). This could include an Irish medium school.

**Health and social care authorities:** means a health and social care trust and the Regional Health and Social Care Board established under Article 10 of the Health and Personal Social Services (NI) Order 1991.

**Health Care Professional:** a person or persons registered as a member of any professions to which section 60(2) of the Health Act 1999 applies.

**H&C Number:** Health and Care Number

**HSC Trust:** a Health and Social Care Trust established under the Health and Personal Social Services (Northern Ireland) Order 1991.

**HSC Trust Transitions Officer:** an officer appointed by a HSC Trust for the purpose of planning for the transition of a child with a Statement to adulthood from the school year a child attains age 14.

**Independent school:** a school which is not grant-aided, and which is registered under Article 38 of the Education and Libraries (NI) Order 1986.

**Integration:** educating children with special educational needs together with children who do not have special educational needs in mainstream schools wherever possible, and ensuring that children with special educational needs engage in the activities of the school together with children who do not have special educational needs.

**In writing:** where electronic communication is available to, and with the agreement of, the relevant party, any document or communication may be transmitted using this method.

**Key Stages:** there are five compulsory key stages of education in Northern Ireland, as follows: Foundation Stage (Years 1 & 2), Key Stage 1 (Years 3 & 4), Key Stage 2 (Years 5, 6 & 7), Key Stage 3 (Years 8, 9 & 10) and Key Stage 4 (Years 11 & 12).

**Learning Support Centre:** a special education unit approved by the Department for the purpose of making educational provision for pupils with special educational needs.

**Learning Support Co-Ordinator (LSC):** a qualified teacher working in the school with three years full time equivalent experience of teaching children with SEN, (one of which must be in a special school if the LSC is working in a special school). The LSC has responsibility for co-ordinating the special educational provision for children who have SEN.

### **Legislation:**

“the 1986 Order”	Education and Libraries (Northern Ireland) Order 1986.
“the 1989 Act”	Disabled Persons Act (Northern Ireland) 1989.
“the 1995 Order”	Children (Northern Ireland) Order 1995.
“the 1996 Order”	The Education (Northern Ireland) Order 1996.
“the 1998 Order”	Education (Northern Ireland) Order 1998.
“the 2005 Order”	The Special Educational Needs and Disability (Northern Ireland) Order 2005.
“the 2005 Regulations”	The Education (Special Educational Needs) Regulations (Northern Ireland ) 2005.
“the CSC Act 2015”	Children’s Services Co-operation Act (Northern Ireland) 2015.
“the 2016 Act”	Special Educational Needs and Disability Act (Northern Ireland) 2016.

**Mainstream school:** means an ordinary school (i.e. a grant-aided school which is not a special school).

**Manager:** is the proprietor of an independent school or in the case of an Article 10 institution, the person responsible for carrying out duties akin to a principal.

**Mediation:** informal means provided by an independent person or persons to avoid or resolve disagreement between parties regarding appealable EA decisions within the SEN Framework.

**Mediation adviser:** an independent person who can provide information and advice about pursuing mediation with the EA.

**Mediation Certificate:** a certificate issued by a mediation adviser to a relevant party if the mediation adviser has provided the relevant party with information and advice about pursuing mediation with the Education Authority (EA). The certificate needs to be issued in connection with certain appeals to the Tribunal.

**Mediation issues:** issues, in respect of which, a person wishes to pursue mediation.

**Mediator:** a person who is independent of the EA and who is not employed by the EA, who facilitates the avoidance or resolution of disputes or, as the case may be, act as a mediator.

**Modification:** amendment or alteration of a programme of study, attainment target,

assessment or any other component of the curriculum in order to give the child access to that area of the curriculum (see also Disapplication above).

**Named EA Officer:** the person from the EA who liaises with parents over the arrangements relating to statutory assessment and the making of a Statement. The EA informs parents of the identity of the Named Officer when they issue a notice of a proposal to make a statutory assessment of a child.

**Non-Educational Needs:** those needs for which it has been assessed by the health and social care authorities as necessary for the child.

**Northern Ireland Curriculum:** as detailed in the The Education (Curriculum Minimum Content) Order (Northern Ireland) 2007.

**Notices:** a notice required to be served or given by legislation.

**Nursery School:** a primary school which is used mainly for the purpose of providing full-time or part-time education for children who have attained the age of 2 years but are under compulsory school age.

**Ordinary School:** defined in Article 3 of the Education (Northern Ireland) Order 1996, means a grant-aided school which is not a special school.

**Parent:** this is defined in Article 2(2) of the Education and Libraries (NI) Order 1986, as amended by the Children (NI) Order 1995. Unless the context otherwise requires, parent in relation to a child or young person includes any person:-

- who is not a parent of the child but who has parental responsibility for him or her; or
- who has care of the child.

Parental responsibility has the same meaning as in the Children (NI) Order 1995; and in determining whether an individual has care of a child or young person, any absence of the child or young person at a hospital or boarding school and any other temporary absence shall be disregarded.

**Parental responsibility:** <sup>1</sup> is held by-

- The birth mother or mother by adoption.
- The birth father if he:
  - a) is married to the birth mother at time of birth;
  - b) subsequently marries the birth mother;
  - c) gets a 'Parental Responsibility Agreement' through a Solicitor;
  - d) gets a 'Parental Responsibility Order' Article 7, through the Court; or
  - e) is registered as the child's father (after April 2002);
- Anyone who has a Residence Order during its lifetime, e.g. Grandparents.
- The State if a Care Order is in force.

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<sup>1</sup> This is the definition in use in the EA.

Under Article 12 of the Children (NI) Order 1995, where a court makes a residence order in favour of any person who is not the parent or guardian of the child, that person has parental responsibility for the child while the residence order remains in force.

Under Article 50(3) of the Children (NI) Order 1995, while a care order is in force with respect to a child, the authority designated by the order will have parental responsibility for that child, and will have the power (subject to certain provisions) to determine the extent to which a parent or guardian of the child may meet his or her parental responsibility for the child.

A person holding parental responsibility may make arrangements for another person to exercise that responsibility on his or her behalf for example when the parent is on an extended visit abroad or during a time in hospital. This delegation does not, however, remove the original parental responsibility.

Parental responsibility is defined by Article 6(1) of the Children (NI) Order 1995 as covering all the rights, duties, powers, responsibilities and authority which parents have with respect to their children and their children's property.

**Personal Learning Plan:** is an ongoing record of the special educational provision made to assist a child who has been identified as having SEN. It is drawn up by the school in conjunction with the parent and child and monitored at regular intervals to review the child's progress and expected outcomes.

**Phase:** Nursery to Year 1/Transfer to a new setting/End of primary education/Year in which the young person attains the age of 14 (14 +Transition Review)/Final year.

**Pre-school settings:** Settings which provide funded pre-school education places as part of the Pre-school Education Programme.

**Primary Education:** (a) full-time education suitable to the requirements of junior pupils of compulsory school age; and (b) full-time or part-time education suitable to the requirements of junior pupils under compulsory school age.

**Primary School:** a grant-aided school which provides only primary education or a grant-aided school which provides both primary and secondary education and is recognised by the Department as a primary school.

**Principal:** means a principal or proprietor.

**Proposed amended Statement:** served following a re-assessment under Article 15 for a child for whom a Statement is maintained.

**Proposed Statement:** served if determined as necessary for the EA to make a Statement on completion of an assessment.

**Proposed Statement (or otherwise):** refers to a proposed Statement, proposed amended Statement or an amendment notice and existing Statement, whichever is appropriate.

**Pupil:** when used without qualification, means a person of any age for whom education is provided under the Education Orders (see Article 2 of Education and Libraries (Northern Ireland) Order 1986).

**Record of Assessment:** a record of the evidence used and the findings of a statutory assessment which is issued by the EA following a decision not to make a Statement.

**Registered Social Worker:** a person who is registered with the Northern Ireland Social Care Council in accordance with the Health and Personal Social Services Act (Northern Ireland) 2001.

**Relevant Advice:** the advice given to the EA in connection with the assessment as it considers to be relevant to that part of the assessment with which there is disagreement.

**Relevant establishment:** means educational and other establishments as set out in Article 102(2) of the Education and Libraries (Northern Ireland Order 1986).

**Relevant HSC Trust:** the HSC Trust in whose area the child resides.

**Relevant party:** refers to a child over compulsory school age or the parent of a child in any other case.

**Relevant people:** when establishing what is in the best interests of the child, relevant people include the parent of a child over compulsory school age (other than where the alternative person is the parent), the EA, a principal or proprietor of a school or Article 10 institution and anyone engaged in caring for the child.

**Relevant person:** is the principal, proprietor, manager or EA as the case may be.

**Relevant school:** a grant aided school and independent school named in a Statement.

**Relevant treatment or service:** a treatment or service likely to be of benefit to the child in addressing their special educational needs. This is normally provided by a health and social care authority as part of its statutory functions relating to the provision of health care (within the meaning of section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) 2009).

**Representative:** a person aged 18 years or over appointed by a young person to provide assistance and support and help them exercise their rights.

**Responsible Body** means:

- (a) in relation to a grant-aided school, the Board of Governors; and
- (b) in relation to an independent school, the proprietors.



**Review Meeting:** see annual review above.

**Right to Privacy:** the right of an individual to have their private life and information protected.

**School:** an institution for providing primary or secondary education or both primary and secondary education, being a grant-aided school or an independent school; and, when used without qualification, means either or both such schools as the context may require.

**School year:** a year ending on 1 July.

**Serve a Notice:** "... the document shall be deemed to have been served at the time which such envelop would have been delivered in the ordinary course of post" – Interpretation Act (NI) 1954; and where electronic communication is available to, and with the agreement of, the relevant party, the Notice may be transmitted using this method.

**Service Children's Education:** Service Children's Education oversees the education of UK service children abroad. It is funded by the Ministry of Defence and operates its own schools as well as providing advice to parents.

**Special Educational Needs (SEN):** A child with SEN is defined in legislation as having a learning difficulty which calls for special educational provision to be made for them.

**Special Educational Needs and Disability Tribunal (SENDIST):** The Special Educational Needs and Disability Tribunal is an independent panel appointed by the Northern Ireland Judicial Appointments Commission, to consider appeals against decisions of the Education Authority about a child's special educational needs, where an agreement cannot be reached.

**Special Educational Provision:** educational provision which is additional to or otherwise different from the educational provision made generally for children of the same age.

**Special school:** is a controlled or voluntary school which is specially designed, staffed and resourced to make Special Educational provision for pupils with special educational needs which cannot be met in a mainstream school and which is recognised by the Department as a special school.

**Statement:** means a statement of a child's special educational needs as set out in Article 16 of the 1996 Order.

**Suitable education:** in relation to a child, means efficient education suitable to their age, ability and aptitude and to any special educational needs they may have.

**Teacher:** refers to the class teacher in primary settings and subject teacher or

department or year head in post primary settings.

**The SEN and Inclusion Framework (the SEN Framework):** refers to all matters relating to Part II of the 1996 Order.

**Transition Plan:** means a document which is required to be prepared by the principal or proprietor (as the case may be) for a child attending school or in the case of a child not attending school, by an EA Designated Officer. In either case, the plan must be approved by an EA Designated Officer. The first transition plan will be prepared:

- a) during the school year in which the child attains the age of 14 years; and
- b) at the same time as the first review of the child's Statement in that year in order to plan coherently for the child's transition into adulthood.

The plan must be reviewed during each subsequent annual review in accordance with regulation 1.

**Transition Review Meeting:** the meeting arranged by the principal or proprietor of a school where the child attends school or the EA in any other case.

**Tribunal:** see Special Educational Needs and Disability Tribunal above.

**Whole School Educational Provision:** whole school planning, teaching and assessing including differentiation within the curriculum, and learning support to cater for the differing needs of pupils including reasonable adjustments and learning support.

**Young Person:** refers to a child over compulsory school age but has not attained the age of nineteen years for whom education is provided under the Education Orders and for whom section 11 of the 2016 Act conferred rights previously exercisable by their parent.