

SECTION 2: THE LAW, ROLES, RIGHTS AND RESPONSIBILITIES

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About this Section

2.1 This Section of the SEN Code of Practice (the Code) provides a summary of the:

- a) **law** (legislation) concerning children who have, or may have, special educational needs (SEN);
- b) **the key SEN duties** laid by law on the Department of Education (DE), Department of Health (DoH), the Education Authority (EA), health and social care authorities¹, and the Board of Governors of grant-aided mainstream and special schools;
- c) **key roles and responsibilities** of all those involved in identifying and meeting the needs of children with SEN including schools and the EA; and
- d) a summary of the **rights and responsibilities** of parents, school age children and children over compulsory school age.

Key point: See the Glossary for the definition of the key terms used in this Code.

Introduction – the law

2.2 The **Education (Northern Ireland) Order 1996** (the 1996 Order) is the primary legislation within the context of the SEN and Inclusion Framework (the SEN Framework) which refers to all matters relating to Part II of the 1996 Order; www.legislation.gov.uk/id/nisi/1996/274 as amended by:

- The Special Educational Needs and Disability (Northern Ireland) Order 2005 (the 2005 Order); <https://www.legislation.gov.uk/nisi/2005/1117/contents>.

¹ The term “health and social care authority” 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.

- Special Educational Needs and Disability Act (Northern Ireland) 2016 (the 2016 Act); www.legislation.gov.uk/nia/2016/8/contents.

2.3 Other provisions within the SEN Framework are drawn from other associated primary legislation including:

- a) Education and Libraries (Northern Ireland) Order 1986 (the 1986 Order); www.legislation.gov.uk/nisi/1986/594/contents.
- b) Disabled Persons Act (Northern Ireland) 1989 (the 1989 Act); www.legislation.gov.uk/ukpga/1989/10/contents.
- c) Children (Northern Ireland) Order 1995 (the 1995 Order); www.legislation.gov.uk/id/nisi/1995/755.
- d) Education (Northern Ireland) Order 1998 (the 1998 Order); www.legislation.gov.uk/nisi/1998/1759/contents.
- e) Children's Services Co-operation Act (Northern Ireland) 2015 (the CSC Act 2015); www.legislation.gov.uk/nia/2015/10/contents.

2.4 Subordinate legislation in the form of regulations (also the law) which provide the detailed processes to support the primary legislation, include the:

- Education (Special Educational Needs) Regulations (Northern Ireland) 202X (202X Regulations) (Draft)².
- Education (Information and Prospectuses) Regulations (Northern Ireland) 2003; <http://www.legislation.gov.uk/nisr/2003/378/made>.
- Special Educational Needs and Disability Tribunal Regulations (Northern Ireland) 2005; <http://www.legislation.gov.uk/nisr/2005/339/contents/made>.

² Will repeal The Education (Special Educational Needs) Regulations (Northern Ireland) 2005.

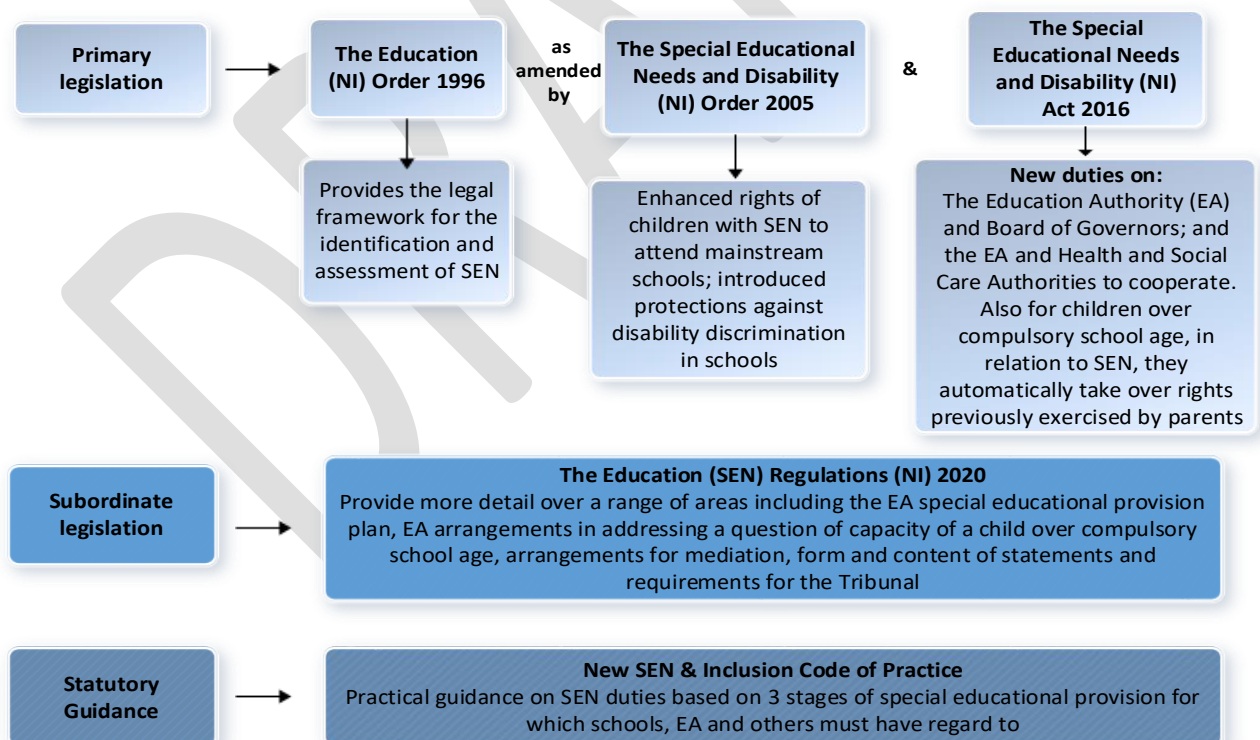
Terms within the Legislation

2.5 In order to gain full understanding of the legislation as set out above, the term “shall” or “must” is used to indicate that something must be/is required to be done. The term “may” means something is allowed but does not have to be done.

Key Special Educational Needs (SEN) Duties

2.6 A paraphrased outline of the main SEN duties for DE, DoH, the EA, health and social care authorities and Boards of Governors, including the new duties as a result of the 2016 Act are set out below. It should be noted that the paraphrased content is no substitute for the law. For a fuller understanding and interpretation of the law, direct access to the relevant Act, Order or regulation is required.

Diagram 2.1: Overview of SEND Legislation and Policy



The Department of Education

2.7 The following table paraphrases the duties and powers of the Department with regard to the SEN Framework and, where relevant, the Code paragraph reference is provided.

| Department of Education Duties and Powers | Code Reference |
|---|---|
| A duty to issue and a power to amend a Code of Practice giving practical guidance in respect of the discharge by the Education Authority and the Boards of Governors of grant-aided schools of their functions with regard to children who have, or may have, SEN – <i>Article 4 of the 1996 Order</i> | Section 1, paragraph 1.10 |
| A power to consent to a child being educated in an institution in Northern Ireland other than a grant-aided school – <i>Article 12 of the 1996 Order</i> | Section 5, paragraph 5.56 |
| A power to provide guidance to the EA (and which the EA is required to have regard) about their arrangements for the provision of advice and information for children over compulsory school age with SEN and a parent of any child with SEN about matters relating to those needs – <i>Article 21A of the 1996 Order</i> | Section 11, paragraph 11.4 |
| A power to approve an institution in Northern Ireland other than a grant-aided school as suitable for the admission of children with SEN - <i>Article 26 of the 1996 Order</i> | Section 5, paragraph 5.58 |
| Powers to make regulations providing detailed processes and timescales regarding the duties on Boards of Governors, the EA and others. | Sections 2, 3, 4, 5, 6, 7, 8, 12 and 13 |
| A duty to co-operate with children’s services authorities and service providers to improve the well-being ³ of children and young people – <i>Section 2 of the CSC Act 2015</i> | Section 9, paragraph 9.4 |

³ For the purpose of the CSC Act 2015 well-being includes learning and achievement.

2.8 Under the CSC Act 2015, as a “children’s authority”, DE has a duty to co-operate with other children’s authorities and other “children’s service providers”. With regard to children who have, or may have, SEN this would include co-operation with DoH and the health and social care authorities, the EA and schools within the context of the effective delivery of the SEN Framework. (See Section 9).

The Department of Health

2.9 The following table paraphrases the duties and powers of the Department of Health. References are provided to the appropriate Section within the Code where practical guidance is available.

| Department of Health Duties | Code Reference |
|---|--------------------------|
| A duty to co-operate with children’s services authorities and service providers to improve well-being of children and young people – <i>Section 2 of the CSC Act 2015</i> | Section 9, paragraph 9.4 |

2.10 Under the CSC Act 2015, as a ‘children’s authority’, DoH has a duty to co-operate with DE and other service providers. For the purpose of the CSC Act 2015 well-being includes learning and achievement. With regard to children who have, or may have, SEN this would include co-operation with health and social care authorities, DE, the EA and schools within the context of the effective delivery of the SEN Framework. (See Section 9).

The Education Authority (EA) – key statutory duties

2.11 The following table (whilst not exhaustive) highlights general duties of the EA (paraphrased) with regard to children and young people who have, or may have, SEN.

| EA General Duties | Code Reference |
|--|---------------------------|
| To determine and keep under review its policy in relation to special educational provision - <i>Article 6 of the 1996 Order.</i> | Section 2, paragraph 2.12 |

| | |
|---|--|
| <p>To prepare and publish its plan of arrangements for special educational provision including resources, advisory and support services and training - <i>Article 6A of the 1996 Order (inserted by section 2 of the 2016 Act)</i> .</p> | <p>Section 2, paragraph 2.17</p> |
| <p>To educate children with SEN (who do NOT have a 'Statement of Special Educational Needs' (a Statement)) in ordinary (mainstream) schools - <i>Article 7 of the 1996 Order.</i></p> | <p>Section 1, paragraph 1.2</p> |
| <p>To educate children, for whom there is a Statement, in ordinary (mainstream) schools unless it is incompatible with the wishes of the child's parent or the young person or the provision of efficient education for other children - <i>Article 7 of the 1996 Order</i></p> | <p>Section 5, paragraph 5.49</p> |
| <p>To co-operate (with HSC authorities) in:</p> <ul style="list-style-type: none"> • identifying and assessing children who have, or may have, SEN; • providing to children with SEN the services which the SEN calls for; and • the preparation of a transition plan for a child with a Statement following their 14th birthday. <p>To prepare a joint plan with HSC authorities with regard to the above functions including sharing information with relevant consent - <i>Article 12A of the 1996 Order (inserted by section 2 of the 2016 Act)</i></p> | <p>Section 9, paragraph 9.9</p> |
| <p>To determine, for those children for whom the EA is responsible, who have SEN, to identify if it is necessary for the EA to determine the special educational provision which any learning difficulty calls for - <i>Article 13 of the 1996 Order.</i></p> | <p>Section 4, paragraph 4.4</p> |
| <p>To take the appropriate action (the subject of an appeal) in the event of conceding an appeal - <i>Article 18A of the 1996 Order</i></p> | <p>Section 12, paragraph 12.50</p> |
| <p>To make arrangements for the provision of advice and information to a child (or young person) with SEN and parent of any child with SEN and to make those arrangements known to them - <i>Article 21A of the 1996 Order (as amended by section 10 & the Schedule of the 2016 Act).</i></p> | <p>Section 11, paragraph 11.4</p> |

| | |
|---|--|
| <p>To provide independent arrangements for the avoidance and resolution of disagreements between the EA or Boards of Governors (on one side) and parents or young people (on the other) about any functions regarding the identification and assessment of children with SEN and make those arrangements known to parents, children and schools - <i>Article 21B of the 1996 Order (as amended by section 10 of the 2016 Act).</i></p> | <p>Section 12, paragraph 12.6</p> |
| <p>To provide independent arrangements for the provision of mediation to a person who intends to appeal to SENDIST - <i>Article 21B of the 1996 Order (as inserted by section 10 of the 2016 Act).</i></p> | <p>Section 12, paragraph 12.23</p> |
| <p>To co-operate with a health and social care authority on request for the EA to carry out a specific action, provided that taking the action is compatible with the EA's own statutory duties and obligations and does not unduly prejudice the discharge of those functions - <i>Article 46 of the 1995 Order.</i></p> | <p>Section 10, paragraph 10.12 and 10.24</p> |

EA Policy for Special Educational Provision

2.12 The EA is required, under Article 6 of the 1996 Order, to determine and keep under review, its policy, and arrangements made by it, for special educational provision. In addition, under Article 6A of the 1996 Order, the EA is required to prepare a plan setting out the arrangements made, or proposed to be made, by the EA for special educational provision.

2.13 Both the EA's special educational provision policy and plan should be current, clear, transparent and easily accessible. They should provide for a coherent pattern of special educational provision throughout Northern Ireland (current and anticipated future needs) to support the range of learning difficulties and associated needs of children with SEN.

2.14 Underpinned by the requirement to have regard to this Code, the EA's special educational provision policy should set out a clear strategy for providing special educational provision and its arrangements to ensure effective monitoring, evaluating and reviewing of that strategy. Set within the overarching context of Article 6 of the

1986 Order (duty of EA to secure provision of primary and secondary education), the policy should include its arrangements for delivery of provision suitable to age, aptitude, ability and the need to provide for pupils with SEN.

2.15 Based on the continuum of special educational needs and of special educational provision, in addition to mainstream classes, the EA may identify the need for different learning environments with enhanced adult pupil ratios. In keeping with the requirement that special education provision is “...*additional to or otherwise different from the educational provision made generally for children*” this will normally include:

- resourced provision attached to a primary or post-primary school, that is, a **Learning Support Centre (LS Centre)**, to provide, in a small group setting, individual programmes of teaching and learning tailored to the individual child’s needs; and
- Special Schools to provide individualised special educational provision to address specific needs for those children who cannot access the curriculum in a mainstream setting.

2.16 Developed through area planning arrangements, and informed by its special educational provision policy, the EA is responsible for identifying the location of, and where deemed necessary, the type (or category) of SEN, for which the LS Centre or the special school is intended to cater. The EA should ensure that suitable arrangements are put in place to effectively and regularly monitor, evaluate and review both the LS Centre and special school provision within the context of the EA’s special educational provision policy.

EA Plan of Arrangements for Special Educational Provision

2.17 The content of the EA’s required plan for the arrangements made, or proposed to be made by it, for special educational provision includes, in particular:

- a) a description of the **resources**;
- b) a description of the **advisory services**;
- c) a description of the **support services**; and
- d) arrangements for schools for securing any training of staff with regard to special educational provision.

2.18 In addition to the above, the EA's plan of arrangements for special educational provision must reflect:

- a) the **school year**⁴ to which the plan relates;
- b) the special educational needs to be addressed by the arrangements in the plan (see paragraph 2.19 below);
- c) the services to be made available by the EA to address those special educational needs; and
- d) how and by whom those services can be accessed.⁵

2.19 The EA's plan for special educational provision should, as a matter of good practice, cater for the prevalence of learning difficulties which have called for special educational provision. In its practical delivery of the special educational provision set out in the plan, it should not be limited only to advice but facilitate support for individual children at Stage 2 based on the assessed need and nature of their SEN. The learning difficulties in the EA's plan should be reflective of the overarching SEN Categories which the EA and schools are required to use to record children with SEN. DE website provides *SEN and Medical Categories Guidance* <https://www.education-ni.gov.uk>. These are:

⁴ Under the draft SEN Regulations 202X and for the purpose of this Code "school year" means a year ending 1 July.

⁵ Draft regulation 3(2)(Form and Content).

- a) Cognition and Learning (CL);
- b) Social, Behavioural, Emotional and Well-Being (SBEW);
- c) Speech, Language and Communication Needs (SLCN);
- d) Sensory (SE); and
- e) Physical Needs (PN).

2.20 Whilst not exhaustive, as well as including the arrangements for specific types of SEN, the EA's plan is expected to include the arrangements for:

- a) providing educational psychology resources (see paragraph 2.21 below);
- b) supporting the transition of children with a Statement into adulthood (see Section 8);
- c) advice and information for children over compulsory school age with SEN and the parent of any child with SEN (see Section 11);
- d) independent dispute avoidance and resolution for children and parents about a child who has, or may have, SEN (see Section 12); and
- e) independent mediation for a person who intends to appeal an EA decision to the Special Educational Needs and Disability Tribunal (SENDIST) (see Section 12).

2.21 In providing the gateway to the range of resources, advisory and support services being made available by the EA through its plan, access should not normally be restricted to the need for educational psychology authorisation. It is expected that the EA will maximise the resources available to it, including advisory and support teaching staff in this regard. In developing the access arrangements to the services, the EA should ensure there is clear signposting and a straightforward route for schools

to make requests for Stage 2 advice and support from the EA. On receipt of any request for Stage 2 provision, the EA must ensure that there are appropriate arrangements in place for timely consideration of the request. The EA, for consistency, should develop clear criteria, to allow it to prioritise the request and the nature and type of resource/advisory/ support service most appropriate to the child's SEN. The EA should ensure that schools are aware and understand the criteria to be applied and that these arrangements and criteria are applied consistently across NI. If resources, advice and/or support is to be made available, based on EA's professional judgment that such provision is necessary, the EA should ensure appropriate arrangements are in place to provide it without undue delay.

2.22 Effective and timely delivery of resources, advice and support by the EA through the EA's plan of arrangements for special educational provision should aim to supplement schools in supporting children receiving Stage 2 special educational provision. Such support aims to secure improved progress in the child or young person's learning.

2.23 The EA should put in place suitable arrangements for ongoing monitoring, evaluation and review of the effectiveness and delivery of its plan of arrangements for special educational provision.

2.24 DE shall request key performance information from the EA on the fulfilment of its statutory duties and the effectiveness of the EA's delivery of its arrangements for special educational provision. For example, confirmation of the publication of the EA's plan of arrangements for special educational provision, the contents of the plan and evidence of resources, advice and support being made available for those schools and children who need it. Performance information on the EA's achievements against statutory timeframes associated to the statutory assessment process and, if appropriate the making and annual review of Statements and completing transition plans will be sought on a regular basis. In addition, as part of its work to assess the extent to which the EA is fulfilling their statutory duties. DE shall request the Education and Training Inspectorate (ETI) to conduct particular targeted surveys, for example, with regard to the delivery of EA special educational provision through the plan of

arrangements. The Department will require the EA to act upon any recommendations made regarding the plan and its delivery by the ETI.

Publication of the EA Plan of Arrangements for Special Educational Provision

2.25 The EA is required to publish a plan of its arrangements for special educational provision **on or before 31 July each year** (or another date as may be prescribed by DE). Publication of the plan is required to be in such a manner as the EA considers appropriate for bringing it to the attention of those likely to be affected by it. The EA should, as a matter of good practice, use a range of mediums to publish the plan. As a minimum the EA is expected to publish it alongside its special educational provision policy on the EA's website.

2.26 When preparing, reviewing or revising the plan of its arrangements for special educational provision, the EA is required to publish a draft plan for consultation by the end of March immediately preceding the school year to which the plan relates.⁶

Key point: The EA must publish a plan of its arrangements made or proposed to be made for special educational provision by 31 July each year.

Procedure to be Followed in Preparing, Reviewing or Revising the EA's Plan of Arrangements for Special Educational Provision⁷

2.27 The EA is required to review its plan at least once a year but may revise it at any time. In preparing, reviewing or revising its plan, the EA is required to have regard to the financial resources available to it. The EA is also required to provide information, as part of the consultation arrangements, about the evidence it will draw from in order to identify the SEN it intends to address through the plan and the services it intends to make available to support the identified SEN.⁸ Those whom the EA must consult include:

⁶ Draft regulation 4(4) (Procedure to be followed in connection with preparing, reviewing or revising the plan).

⁷ Draft regulation 4 (Procedure to be followed in connection with preparing, reviewing or revising the plan.).

⁸ Draft regulation 4 (Procedure to be followed in connection with preparing, reviewing or revising the plan).

- a) the Department;
- b) young people;
- c) parents (of children of compulsory school age);
- d) a selection of schools, institutions or establishments which receive grants under Education Orders;
- e) establishments which are 'provision otherwise than grant-aided schools' (known as Article 10(1)(b) establishments); and
- f) such other bodies or persons it thinks appropriate.

Key point: The EA must, at least once a year, consult on and review its plan of arrangements for special educational provision.

2.28 How the EA intends to communicate with parents and young people and schools as part of the consultation should be included as part of the EA plan and included within the EA's arrangements for the provision of advice and information.⁹ When consulting about the plan, the EA is required to provide a reasonable length of time to allow for views to be received and for the EA's consideration of the views from those concerned.

2.29 The **evidence base** which the EA is required to use to inform the plan, referred to in paragraph 2.27, may include summary information about the type of SEN which the school has assessed requires Stage 2 resources, advice and support. This information should be available from school information, for example, the school SEN Register. It is therefore important that schools keep their SEN Registers up to date (see paragraph 3.72).

⁹ Article 21A (Advice and information) of the Education (Northern Ireland) Order 1996.

2.30 In addition, in order to assess unmet demand for its services, the EA should, as a matter of good practice, put in place effective arrangements, maximising the use of electronic working, to allow schools to send requests for Stage 2 special educational provision to the EA. These arrangements should minimise bureaucracy for schools. The approach should allow the EA to determine any unmet need and using the criteria as outlined in paragraph 2.24, prioritise the delivery of appropriate support. This information should also be used to inform the EA plan of arrangements for special educational provision- see paragraph 2.29. The EA should alert schools as to the timing of review of its plan of arrangements for special educational provision.

Key point: The EA must bring its plan of arrangements for special educational provision to the attention of anyone who is likely to be affected by it including schools, parents and young people.

EA Duties with Regard to Individual Children with SEN

2.31 The EA is required to secure that, for children for whom it is responsible, it identifies those children who have SEN and it is necessary for the EA to determine the special educational provision which any learning difficulty the individual child’s needs call for. The following table (whilst not exhaustive) paraphrases the main EA duties relating to the individual child or young person with SEN for whom the EA is responsible. References are provided to the appropriate Section within the Code where practical guidance is available.

| EA duties with Regard to Individual Children with SEN | Code Reference |
|--|---------------------------|
| To seek and have regard to the importance of children participating in decisions which affect them and provide them with the information and support necessary to enable the child’s participation in those decisions - <i>Article 5A of the 1996 Order (inserted by section 1 of the 2016 Act).</i> | Section 4, paragraph 4.97 |
| To allow a child to be admitted to a special school if undergoing assessment or following a change of circumstance | Section 4, paragraph 4.22 |

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| provided where it is with the agreement of the parent or young person , the school and the EA – <i>Article 7A to the 1996 Order.</i> | |
| To allow the EA to arrange all or part of a child’s special educational provision to be made otherwise than at school, or at an independent school or other non-grant-aided institution in Northern Ireland , or at an institution outside Northern Ireland - <i>Article 10 of the 1996 Order.</i> | Section 5, paragraph 5.56 Section 14, paragraph 14.57 |
| To allow the EA make special educational provision (or any part of it) for a child with a learning difficulty in an institution outside of Northern Ireland but only if it is one that specialises in providing for children with SEN - <i>Article 11 of the 1996 Order.</i> | Section 5, paragraph 5.64 |
| To allow the EA to make special educational provision (or part of it) in an institution in Northern Ireland other than a grant-aided school if the institution is approved by the Department as suitable for the admission of children with SEN under Article 26 (Approval of institutions in NI other than grant aided schools) or the Department consents to the child being educated there - <i>Article 12 of the 1996 Order.</i> | Section 5, paragraph 5.58 |
| To co-operate with, provide information to and request help from, a health and social care authority, with the consent of the child, if over compulsory school age, or the parent in any other case, when carrying out a statutory assessment- <i>Articles 12A & 14 of the 1996 Order as (amended by sections 4 and 5 of the 2016 Act).</i> | Section 4, paragraph 4.64 Section 9, paragraph 9.1 |
| To decide whether it is required to carry out a statutory assessment of a child’s SEN - <i>Article 15 of the 1996 Order (as amended by section 6 of the 2016 Act).</i> | Section 4, paragraph 4.25 |
| To carry out a statutory assessment of a child’s SEN (following a decision that one is needed) and determine whether (or not) a Statement should be made for a child - <i>Article 15 and Schedule 1 of the 1996 Order (as amended by section 6 of the 2016 Act).</i> | Section 4, paragraph 4.58 |
| To make and maintain a Statement, if appropriate - <i>Article 16 and Schedule 2 of the 1996 Order (as amended by section 7 of the 2016 Act).</i> | Section 5, paragraph 5.1 |

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| <p>To issue Notice of decision not to make a Statement including a right of appeal - <i>Article 17 of the 1996 Order.</i></p> | <p>Section 4, paragraph 4.102</p> |
| <p>To carry out an annual review of a child's Statement - <i>Article 19 of the 1996 Order (as amended by section 8 of the 2016 Act).</i> This will include, where relevant, the preparation of transition plan for Statemented children age 14+ - <i>Article 12A of the 1996 Order (inserted by section 4 of the 2016 Act).</i></p> | <p>Section 7, paragraph 7.1 Section 8, paragraph 8.1</p> |
| <p>To carry out an assessment of educational needs (under Article 15) at the request of a parent or young person if one hasn't been carried out in the previous 6 months and it is necessary for the EA to make an assessment - <i>Article 20 of the 1996 Order.</i></p> | <p>Section 4, paragraph 4.10</p> |
| <p>To decide, under Article 15, whether to review or make and assessment of educational needs at request of a school and to make an assessment, if appropriate) - <i>Article 20A of the 1996 Order (amended by section 6 of the 2016 Act).</i></p> | <p>Section 4, paragraph 4.15</p> |
| <p>To carry out an assessment of educational needs of children under two on request of a parent and (with parental consent) may carry out an assessment. - <i>Article 21 of the 1996 Order (amended by section 9 of the 2016 Act).</i></p> | <p>Section 6, paragraph 6.12</p> |
| <p>To participate in mediation (with regard to an appealable decision) if a young person or the parent of a child want to take part in mediation - <i>Article 21B of the 1996 Order (inserted by section 10 of the 2016 Act).</i></p> | <p>Section 12, Information Box 12.2</p> |
| <p>To comply with the Tribunal orders (under Articles 17 and 18 of the 1996 Order) with regard to an appealable decision – <i>Article 23A of the 1996 Order.</i></p> | <p>Section 12, paragraph 12.48</p> |
| <p>To seek a health and social care authority opinion as to whether or not the child is disabled when: conducting the first annual review of the child's Statement following the child's 14th birthday; or any subsequent reassessment of the child's SEN; or when they become aware of a significant change in the mental or physical condition of the child leading them to believe that the child may now be disabled - <i>Section 5 of the Disabled Persons (Northern Ireland) Act 1989.</i></p> | <p>Section 8, paragraph 8.45</p> |

The Health and Social Care Authorities^{2.32} The following table paraphrases the main responsibilities and duties regarding the health and social care authorities with regard to children who have, or may have, SEN. Health and social care authorities means a health and social care trust (HSC Trust) or the Regional Board for Health and Social Care established under Article 10 of the Health and Personal Social Services (Northern Ireland Order) 1991. The HSC Trust is the authority which the EA would normally engage within the SEN Framework. References are provided to the appropriate Section within the Code where practical guidance is available.

| Health and Social Care Authorities | Code Reference |
|---|---------------------------|
| To co-operate with the EA (as 'children's authorities') and schools (as 'children's service providers') to improve the well-being of children and young people - <i>Section 2 of the CSC Act 2015.</i> | Section 9, paragraph 9.1 |
| To co-operate with the EA in identifying and assessing children who have, or may have, SEN; providing to children with SEN the services which the SEN calls for; and the preparation of a transition plan for a child with a Statement following their 14 th birthday. In particular, the EA and health and social care authorities must share information, on request from the EA (with relevant consent) about a child who has, or may have, SEN - <i>Article 12A of the 1996 Order (inserted by section 4 of 2016 Act).</i> | Section 9, paragraph 9.9 |
| To inform the parent of a child not yet of compulsory school age if the health and social care authority forms the opinion that a child has, or probably has, SEN, of any voluntary organisation which may be able to give advice or assistance to the parent in connection with the SEN and bring the child to attention of the EA - <i>Article 14 of the 1996 Order (amended by section 5 of 2016 Act).</i> | Section 6, paragraph 6.28 |
| To help the EA on request in carrying out its functions e.g. advice for the purpose of statutory assessment, regarding a child who has, or may have, SEN unless it considers that: the help requested from the HSC authority is not necessary for the purpose of the exercise by the EA (for example, advice | Section 4, paragraph 4.67 |

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| <p>requested for statutory assessment); it is not reasonable for the HSC authority to comply to the request having regard to the HSC authorities resources; or the help requested is not compatible with the HSC authorities own statutory or other duties - <i>Article 14 of the 1996 Order (amended. by section 5 of the 2016 Act).</i></p> | |
| <p>In co-operation with EA to prepare a joint plan for identifying and assessing children who have, or may have, SEN; providing to children with SEN the services which the SEN calls for; and the preparation of transition plans with a review of the plan at least every three years - <i>Article 12A of the 1996 Order (inserted by section 4 of the 2016 Act).</i></p> | <p>Section 9, paragraph 9.11</p> |
| <p>To provide any relevant treatment or service (normally provided by a health and social care authority) which the HSC authority has identified, during the statutory assessment process, as likely to be of benefit to a child – <i>Article 14 of the 1996 Order (inserted by section 5 of the 2016).</i></p> | <p>Section 5, 5.29</p> |
| <p>To provide an opinion to the EA as to whether or not the child is disabled, following a request from the EA during the first annual review following a child's (this only relates to the child who has a Statement) 14th birthday or any time following that birthday, as to whether a child is or is not disabled - <i>Section 5 (Disabled Persons Leaving Education) of the Disabled Persons (Northern Ireland) Act 1989.</i></p> | <p>Section 8, paragraph 8.46</p> |

Board of Governors of Mainstream Schools - duties towards children who have, or may have, SEN

2.33 The key Board of Governors duties relate to the identification and assessment of those children who have, or may have, SEN, and making special educational provision for those children who have SEN. Section 3 sets out the arrangements which schools should follow to ensure consistent and effective delivery of these duties.

2.34 The following table paraphrases the key duties of the Board of Governors of each mainstream (ordinary) school's duties towards all pupils attending the school who have, or may have, SEN. References are provided to the appropriate Section within the Code where practical guidance is available.

| Board of Governors of Mainstream School - Duties | Code Reference |
|---|---------------------------|
| To use their best endeavours to secure that the special educational provision that their learning difficulty calls for is made for them - <i>Article 8 of the 1996 Order</i> | Section 3, paragraph 3.2 |
| To secure that the SEN of a child attending a school are made known to all likely to be concerned with the pupil's education - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act)</i> | Section 3, paragraph 3.2 |
| To secure that teachers in the school take all reasonable steps to identify and provide for children with SEN attending the school - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act)</i> | Section 3, paragraph 3.2 |
| To prepare and keep under review a programme of special educational provision (a Personal Learning Plan (PLP)) in respect of each pupil who has SEN - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act)</i> | Section 3, paragraph 3.75 |
| To seek to obtain the consent of a parent or a young person to a copy of the PLP being sent to the Board of Governors of a new school; and, subject to that consent, provide a copy of the most recent PLP to the Board of Governors of the new school - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act).</i> | Section 3, paragraph 3.85 |

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|--|--|
| To inform parents and young people who have, or may have, SEN of the arrangements for avoidance and resolution of disputes - <i>Article 8 of the 1996 Order (amended by the 2016 Act).</i> | Section 3, paragraph 3.62 Section 12, paragraph 12.18 |
| To designate a teacher from the staff of the school as a 'learning support co-ordinator' (LSC) with responsibility for co-ordinating the provision of education for those pupils attending the school who have SEN <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act).</i> | Section 2, paragraph 2.43 |
| To notify the EA of any changes affecting the child attending school for whom the EA is making special educational provision - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act).</i> | Section 3, paragraph 3.48 and 3.58 |
| To inform the young person or the parent of a child in any other case that special educational provision is being made because it is considered that the child has SEN and have not been previously informed of this - <i>Article 8A of the 1996 Order.</i> | Section 3, paragraph 3.37 |
| To determine and keep under review, the school's policy in relation to the provision of education for children with SEN. In so doing, when it seems necessary or desirable, consult the EA and Boards of Governors of other grant-aided schools and, in the case of a Catholic Maintained school, the Council for Catholic Maintained Schools (CCMS), to co-ordinate provision for children with SEN - <i>Article 9 of the 1996 Order.</i> | Section 3, paragraph 3.92 |
| To ensure that it's SEN policy is compatible with statutory provisions relating to education (including, in particular those relating to children with SEN) - <i>Article 9 of the 1996 Order.</i> | Section 3, paragraph 3.92 |
| To have regard to its policy in the provision of education for children with SEN - <i>Article 9 of the 1996 Order.</i> | Section 3, paragraph 3.92 |
| To ensure that children with SEN join in the activities of the school together with pupils who do not have SEN, in so far as is reasonably practicable and compatible with their receiving the necessary special educational provision, the efficient education | Section 3, paragraph 3.2 |

| | |
|---|------------------------------|
| of other children in the school and the efficient use of resources <i>- Article 8 of the 1996 Order as amended.</i> | |
| To report annually (in the Schools Annual Report) on: the steps taken to implement the school's policy in relation to the provision of education for children with SEN; any special arrangements for the admission of pupils who have SEN but for whom no Statement is maintained; the steps taken to prevent pupils with SEN being treated less favourably than other pupils; and the facilities provided to assist access to the school pupils with SEN <i>- Articles 8 and 9 of the 1996 Order.</i> | Section 3, paragraph 3.97 |

Duties of Board of Governors of Special Schools

2.35 The following table paraphrases the key duties of the Board of Governors of special schools towards all pupils attending the school who have SEN. References are provided to the appropriate Section within the Code where practical guidance is available.

| Duties of Board of Governors of Special Schools | Code Reference |
|--|------------------------------|
| To prepare and keep under review a programme of special educational provision (a PLP) in respect of each pupil who has SEN -- <i>Article 8ZA of 1996 Order (inserted by section 3 of the 2016 Act)</i> | Section 3, paragraph 3.75 |
| To seek to obtain the consent of a parent or a young person to a copy of the PLP being sent to the Board of Governors of a new school; and, subject to that consent, provide a copy of the most recent PLP to the Board of Governors of the new school - <i>Article 8ZA of 1996 Order (inserted by section 3 of the 2016 Act).</i> | Section 3, paragraph 3.85 |
| To designate a teacher from the staff of the school as a LSC with responsibility for co-ordinating the provision of education for those pupils attending the school who have SEN - <i>Article 8ZA of 1996 Order (inserted by section 3 of the 2016 Act).</i> | Section 2, paragraph 2.43 |

| | |
|--|----------------------------------|
| <p>To ¹⁰determine and keep under review, the school's policy in relation to the provision of education for children with SEN and, in so doing, when it seems necessary or desirable, consult¹¹ the EA and Boards of Governors of other grant-aided schools and, in the case of Catholic Maintained schools, the Council for Catholic Maintained Schools (CCMS), to co-ordinate provision for children with SEN - <i>Article 9 of the 1996 Order.</i></p> | <p>Section 3, paragraph 3.92</p> |
| <p>To ensure that it's SEN policy is compatible with statutory provisions relating to education (including, in particular those relating to children with SEN) - <i>Article 9 of the 1996 Order.</i></p> | <p>Section 3, paragraph 3.92</p> |
| <p>To have regard to its policy in the provision of education for children with SEN - <i>Article 9 of the 1996 Order.</i></p> | <p>Section 3, paragraph 3.92</p> |

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¹⁰ 1998 Code of Practice - Identification and Assessment of SEN - para 2.3.

¹¹ Article 9 of the Education (Northern Ireland) Order 1996.

DUTIES, RIGHTS AND RESPONSIBILITIES OF PARENTS, CHILDREN & YOUNG PEOPLE

Parents and Young People

2.36 The following tables paraphrases the main rights of parents and young people within the SEN Framework for the identification and assessment of children who have, or may have, SEN and the making of special educational provision for those with SEN. References are provided to the appropriate Section within the Code where practical guidance is available.

| Rights of Parents (only) | Code Reference |
|--|---|
| To be informed by a HSC Trust of their opinion, that a child, not yet of compulsory school age has, or probably has, SEN – <i>Article 14 of the 1996 Order</i> | Section 6, paragraph 6.28 |
| With regard to a child under age 2, to make an appeal about an EA decision not to make a Statement or in the event of a Statement being made about a description of the child’s SEN and the special educational provision contained in the Statement - <i>Article 21ZA of the 1996 Order (inserted by section 9 of the 2016 Act).</i> | Section 6, paragraph 6.18 & Information Box 6.1 |

| Rights of Parents and Young People | Code Reference |
|---|---------------------------|
| School | |
| The right for the school to take all reasonable steps to identify and provide for those children who have SEN - <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act)</i> | Section 3, paragraph 3.2 |
| The right to be informed by the school that special educational provision is being made because it is considered that the child has SEN and have not been previously informed of this - <i>Article 8A of the 1996 Order (amended by Schedule of the 2016 Act)</i> | Section 3, paragraph 3.7 |
| The right for a PLP to be prepared and reviewed for the child concerned- <i>Article 8 of the 1996 Order (amended by section 3 of the 2016 Act).</i> | Section 3, paragraph 3.75 |
| Statutory Assessment | |
| The right to request a statutory assessment of educational | Section 4, |

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| needs - <i>Article 20 of the 1996 Order.</i> | paragraph 4.10 |
| The right to be asked for agreement for the child (or young person) concerned to be placed in a special school for the purpose of assessment (and to agree or not, as the case may be) – <i>Article 7A of the 1996 Order.</i> | Section 4, paragraph 4.22 |
| The right to be asked for and provide representations and evidence when the EA is considering whether to make a statutory assessment or in the making of an assessment - <i>Article 15 of the 1996 Order (amended by section 6 of the 2016 Act).</i> | Section 4, paragraph 4.37 |
| A right to: <ul style="list-style-type: none"> • be asked for and to make representations and submit evidence to the EA, for the purpose of statutory assessment - <i>Article 15 of the 1996 Order;</i> • consent to the EA making an assessment earlier than 22 days - <i>Article 15 and 20A of the 1996 Order (amended by section 6 of the 2016 Act);</i> and • appeal against an EA decision not to make an assessment following a request from the parent or young person or a school - <i>Article 20 and 20A of the 1996 Order (amended by section 6 of the 2016 Act).</i> | Section 4, paragraph 4.37 |
| Statement | |
| The right to make representations (or further representations) about the content of a Statement following the issue of a proposed Statement and request a meeting(s) about the content and the advice on which the Statement is based and to state a preference as to the type of school (including named school) for the child concerned educated - <i>Article 16 and Schedule 2 of the 1996 Order.</i> | Section 5, paragraph 5.32 |
| The right to appeal a decision by the EA not to make a Statement and receive a copy of the advice given to the EA on which the decision was based - <i>Article 17 of the 1996 Order.</i> | Section 4, paragraph 4.102 and Information Box 4.6 |
| The right to appeal a decision by the EA as to the content of a Statement including: the description of the SEN; and the special educational provision specified (including the name of the school | Section 5, paragraph 5.73 |

| | |
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| specified) or the fact that no school is specified - <i>Article 18 of the 1996 Order.</i> | |
| The right to be consulted with (by the EA) before it makes an arrangement for special educational provision to be made other than in a grant-aided school - <i>Article 10 of the 1996 Order (amended by Schedule of the 2016 Act).</i> | Section 5, paragraph 5.57 |
| The right to appeal a decision by the EA to cease to maintain a Statement – <i>paragraph 13 of Schedule 2 of the 1996 Order.</i> | Section 5, paragraph 5.79 |
| Annual Review | |
| A right to appeal a decision by the EA not to amend a Statement following annual review and receive a copy of the advice given to the EA on which the decision was based - <i>Article 19 of the 1996 Order (amended by section 8 of the 2016 Act).</i> | Section 7, paragraph 7.57 and Information Box 7.2 |
| The right to appeal a decision by the EA as to the content of a Statement (following annual review) including: the description of the SEN; and the special educational provision specified (including the name of the school specified) or the fact that no school is specified – <i>Article 18 of the 1996 Order (amended by section 8 of the 2016 Act).</i> | Section 5, paragraph 5.73 |
| Information and Advice | |
| The right to be provided with advice and information by the EA about SEN matters - <i>Article 21A of the 1996 Order.</i> | Section 11, paragraph 11.4 |
| Arrangements for dispute avoidance and resolution (with school and EA) | |
| The right to be provided with independent arrangements with a view to avoiding or resolving disagreements with the school or the EA – <i>Article 21B of the 1996 Order (amended by section 10 of the 2016 Act).</i> | Section 12, paragraph 12.6 |
| Mediation (about a decision made by the EA which is appealable) | |
| Following a requirement to obtain information about mediation, the right to request independent mediation and for EA to participate in that mediation - <i>Article 21B of the 1996 Order (amended by section 10 of the 2016 Act).</i> | Section 12, paragraph 12.23 |

| Young Person only | Code Reference |
|---|-----------------------------|
| The right to exercise their own rights within the SEN Framework (previously exercisable by their parent) - <i>Section 11 of the 2016 Act.</i> | Section 13, paragraph 13.1 |
| The right to make a claim of disability discrimination to exercise any right – <i>Section 12 of the 2016 Act.</i> | Section 14, paragraph 14.37 |
| The right to assistance and support to exercise their rights within the SEN Framework and to make a claim of disability discrimination. <i>Section 11 and section 12 of the 2016 Act.</i> | Section 13, paragraph 13.14 |

2.37 Parents have a duty to ensure their child receives a full-time education, either by regular attendance at school or otherwise¹², which is suitable to their age, ability and aptitude and to any SEN they may have. This means that parents of a child need to consider what type of provision is most appropriate for meeting their child’s needs and have a right for their child to be educated in an ordinary school, under Article 7 of the 1996 Order, if their child has SEN, but does NOT have a statement. For a child for whom there is a Statement they shall be educated in an ordinary (mainstream) school unless it is incompatible with the wishes of the child’s parent or the young person or the provision of efficient education for other children.¹³ It is very important that parents have a close partnership with the school as the relationship between the parents of a child with SEN and their child’s school has a crucial bearing on the child’s educational progress and the effectiveness of any school action. (For more information see Partnerships with Parents and Young People - Section 3)

Rights of Young People (only)

2.38 A parent can exercise the rights of their child until the child is over compulsory school age (referred to as a young person, throughout this Code). See Glossary regarding compulsory school age. A child over compulsory school age is defined as a child who is between 16 and 19 and is a registered pupil at a school. The 2016 Act introduced new rights for a young person which means the rights previously exercised

¹² Article 46 (Compulsory school age) of the Education and Libraries (Northern Ireland) Order 1986.

¹³ Article 7 (Duty to educate children with SEN in ordinary schools) of the Education (Northern Ireland) Order 1996.

by their parent automatically pass to the young person. The law presumes that a child over this age has capacity, unless a question as to the child's capacity has been raised. This transfer of rights is in recognition of the growing independence of young people of this age and are in line with the UN Convention on the Rights of the Child (UNCRC). Practical guidance with regards to the young person exercising those rights, including assistance and support to help them to do so and the capacity of the young person to make decisions is included in Section 13.

2.39 All the rights of parents and children over compulsory school age within the SEN Framework are reflected in the practical arrangements set out throughout this Code.

Children

Duty of the Authority to have regard to the views of the child - Article 5A of the 1996 Order (as amended)

2.40 The right of an individual child to give their views and to have them considered by the EA is derived from the EA's duty to seek and have regard for those views, so far as is reasonably practicable. This means that a child for whom the EA is responsible has a right to provide their views when, for example, the EA is considering whether to make a statutory assessment, conducting a statutory assessment, in the making of a Statement and for the annual review of a Statement.

2.41 To assist in this process the EA's arrangements for the provision of advice and information should be child friendly and easily accessible by all children who may have SEN. This should be through a range of medium and in a format accessible to the child's particular needs (e.g. in Braille if required) and the necessary provision should be given to enable them to participate in those decisions.

2.42 Through school processes seeking the **Views of the Child**, as required under Article 5A of the 1996 Order, children should be encouraged to contribute to decision-making processes within the SEN Framework including, the setting of educational objectives, input to the preparation of PLPs, reviews, transition planning, deciding if a

Statement is required, preparing a Statement and the annual review of the Statement. Children need to know that what they have to say will be respected, listened to and, where appropriate, acted upon. It is important that their individual needs are taken into account in deciding, in the event of a Statement being required, whether to name a parent's choice of grant aided-school (mainstream or special) in a Statement.

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KEY ROLES AND RESPONSIBILITIES IN THE SEN FRAMEWORK

The School Principal

2.43 While the duties in the SEN Framework are placed on Boards of Governors (see paragraph 2.33), the school principal has responsibility for the day-to-day management of all aspects of the school's work including its special educational provision. The responsibilities include:

- a) Working in collaboration with the Board of Governors to:
 - i. Determine and keep under review the school's **SEN policy** (paragraph 3.92) and approach to school **special educational provision mapping** and delivery. (See paragraph 3.24)
 - ii. Provide regular updates to the Board of Governors on all SEN policy areas, procedures, planning and delivery of school special educational provision and any specific SEN issues.
 - iii. Ensure that the designated LSC has at least three years full time equivalent experience of teaching pupils with SEN^{14 15} and receives:
 - the necessary ongoing training to conduct their role effectively;
 - sufficient time to conduct their role effectively; and
 - an opportunity to provide regular information to the Board of Governors about SEN matters.¹⁶
 - iv. Ensure that all staff have sufficient time and ongoing training to effectively perform their duties with regard to children with SEN.

¹⁴ Draft regulation 6 (Experience of learning support co-ordinators in ordinary schools).

¹⁵ Draft regulation 7 (Experience of learning support co-ordinators in special schools).

¹⁶ Draft regulation 8 (Board of Governor duties in relation to the learning support co-ordinator).

- vi Ensure that SEN training is included in the School Development Plan (SDP) considering both current and anticipatory training needs of school staff. (See paragraph 3.94).
- b) Working closely with the Senior Leadership Team (SLT) to ensure the:
- i. Delivery of a focussed SEN policy, that all aspects of the SEN policy are implemented and the needs of pupils with SEN are appropriately identified and special educational provision put in place.
 - ii. Delivery of the SDP ensuring that all SEN Action Plan requirements are included and realised.
 - iii. Delivery of the schools Accessibility Plan. (See paragraph 3.96).
 - iv. LSC is given the opportunity to give regular feedback to a member of SLT or has regular meetings with the SLT.
- c) Supporting and guiding the LSC on all aspects of their co-ordinating role including developing the SEN policy, SEN Action Plan and maintenance of SEN Records.
- d) Working closely with the SLT and LSC to ensure whole school knowledge, understanding and application of the provisions in this Code of Practice and the implementation of the school SEN policy.
- e) Facilitating appropriate liaison with parents and young people (see paragraph 3.60) and other agencies as required.
- f) Ensuring parents and children over compulsory school age are aware of:
- i. the school's complaints procedure for resolving areas of disagreement between schools and parents (see Section 12);

- ii. the EA's arrangements for the provision of information and advice for SEN (see Section 11); and
 - iii. the EA arrangements for dispute avoidance and resolution. (See Section 12).
- g) With regard to children over compulsory school age, in line with a presumption of capacity and informed by EA procedures, ensuring that the school raises any question of capacity of the child within the context of exercising their rights in the SEN Framework with the EA. (See Section 13).

2.44 Where a school refers a child for a statutory assessment, the principal may give a special direction either modifying or disapplying the Northern Ireland curriculum (the curriculum) for a child for a period of up to 6 months. The Education (Curriculum) (Temporary Exceptions) Regulations (Northern Ireland) 1990¹⁷ provide principals with the statutory power to make such directions. Given the right of all pupils to the maximum possible access to the statutory curriculum and its flexibility, such directions should be rare. In very exceptional circumstances this may be extended on up to 2 occasions for a further 3 calendar months only in each case; any further extension would require approval of DE. In all cases EA should be notified.

The Senior Leadership Team (SLT)

Key point: The Senior Leadership Team should make sure that there is whole school application of the practical guidance set out in the Code of Practice.

2.45 For the purpose of this Code the term used to describe the leadership of a school is the Senior Leadership Team (SLT). Working along with the principal, there should be whole SLT involvement to ensure that all the key elements within the SEN Framework are fully implemented. This includes the development, implementation and monitoring of the whole school delivery and effectiveness of the school's SEN Policy, Accessibility Plan, SDP and the whole school application of the practical

¹⁷ <https://www.legislation.gov.uk/nisr/1990/288/made>.

guidance set out in the Code of Practice. Within the context of self-evaluation it also includes the identification of the school's strengths in identification, assessment and making provision including the identification of areas that require further development (through the School Development planning process), the impact the action taken by the school on the outcome for learners with SEN, and the use made of qualitative and quantitative data as evidence of improvement.

Department, Year Heads and Form Teachers

2.46 While recognising the terminology used in schools may differ e.g. Curricular Leaders, the Department Heads have a key role to play in supporting the LSC and the teachers in the implementation of each of the key elements in the SEN Framework and the full application within their school of the Code of Practice and securing improved pupil outcomes. This is particularly important within the context of subject specific special educational provision planning.

The Learning Support Co-ordinator (LSC)

Key point: The LSC in a mainstream school must have at least three years' full time equivalent experience of teaching children with SEN.

2.47 The LSC must have at least three years' full time equivalent experience of teaching children with SEN (in the case of a LSC working in a special school this would include one year's full time equivalent experience of working in a special school).¹⁸

2.48 The Board of Governors of both mainstream and special schools must ensure that the teacher designated as the school's LSC receives the necessary ongoing training and sufficient time to conduct the role effectively¹⁹. The time required and attention which LSCs will need to effectively fulfil their responsibilities will depend on the circumstances of particular schools. Boards of Governors and principals should therefore give careful thought to the LSC's teaching commitments and responsibilities

¹⁸ Draft regulations 6 (Experience of learning support co-ordinator in ordinary schools) & 7 (Experience of learning support co-ordinator in special schools).

¹⁹ Draft regulation 8 (Board of Governors duties in relation to the LSC).

and factor this in to the school's SEN policy. Flexibility to allow the LSC release time from teaching should be an ongoing consideration. Governors should also consider providing some administrative time to help the LSC, thus releasing them to use their expertise more effectively. Where possible the LSC should be a member of the SLT in order to fulfil this role appropriately. Where this is not possible, the LSC should be supported by the SLT, a member of SLT or the principal on a regular basis.

Key point: the LSC should receive the necessary training and time to conduct the LSC role effectively.

2.49 Whilst the nature and occurrence of SEN may differ between settings, the role of the LSC includes:

- a) Working in collaboration with the Board of Governors, Principal, SLT, Department and Year Heads to determine the strategic development of the school's SEN policy.
- b) Overseeing and ensuring the day-to-day operation of the school's SEN Policy and ensuring, in conjunction with the school principal, that it is kept up to date. Providing information to the department and year heads, SLT, principal and Board of Governors about matters relating to SEN.
- c) Identifying that SEN related training requirements are included in the SEN Action Plan and the School Development Plan (SDP), contributing as appropriate to both staff training and recording SEN training undertaken by staff.
- d) Responding to requests for advice from other members of staff and advising staff on keeping records of concerns about a child's progress including any action teachers have taken to address those concerns.
- e) Co-ordinating special educational provision for groups and individual children with SEN including working with staff in the development and dissemination of school special educational provision mapping.

- f) Ensuring each child with SEN is included on the school's SEN register, maintaining the register on an ongoing basis and overseeing all the records of children with SEN.
- g) Ensuring that all children for whom special educational provision is to be made have a PLP prepared and implemented, working closely with, advising and guiding teaching staff, as appropriate, on the creation, monitoring and review of the PLPs.
- h) Ensuring that procedures are in place for involving the child in all decisions about their education, according to their age, maturity and capability.
- i) Encouraging and supporting staff in involving the child in order to seek the Views of the Child and inform their PLP.
- j) Liaising/facilitating teacher engagement through partnership with parents and children over compulsory school age.
- k) Liaising with the EA, and other external agencies if appropriate, to secure access to resources, advice and support regarding provision for children with SEN to ensure that pupils receive the appropriate provision to enable them to reach their full potential.

The Teacher

2.50 All teachers are responsible for the day to day teaching and learning in their classroom of all children whom they teach including pupils with SEN ²⁰ and must have regard to, and consistently apply, the practical guidance set out in the Code.

2.51 All teachers should:

- a) Be involved in the development and implementation of the school's SEN policy.

²⁰General Teaching Council Northern Ireland Teaching: The Reflective Profession.

- b) Gather information through observation and assessment and where concerned that a child may have learning difficulties, taking into consideration whole school educational provision including normal differentiation, draw the child to the attention of other school staff e.g. literacy and numeracy coordinators, pastoral care, LSC.
- c) Develop and maintain an inclusive learning environment including making reasonable adjustments to help disabled pupils access the curriculum and have information in different formats.
- d) Take all reasonable steps to identify and provide for children in their class with SEN.
- e) Work in conjunction with the LSC to ensure that all information on the SEN Register for children in their class is up to date including any meetings with parents or external agencies.
- f) Create, implement, monitor and review PLPs for the children in their class including any relevant advice from external agencies (nursery, primary and special schools only; for post-primary settings the LSC, in consultation with class and subject teachers, completes the PLP). (For further PLP guidance refer to the PLP guidance in Section 3).
- g) Work closely with other staff to plan teaching and learning.
- h) Direct and support adult assistants in their role in the implementation of PLPs.
- i) Attend professional development training as appropriate.
- j) Seek and share information regarding children with SEN in their class as a child moves from one class to another.
- k) Through involvement of the child, seek and consider the views of the child within the PLP process.

- l) Through partnership with parents and children over compulsory school age seek and consider views and contribution within the PLP process.

Adult Assistance (for the purposes of SEN)

2.52 Working under the direction of the LSC and teachers, adult assistants should have a clear understanding of their role and responsibilities in the classroom with regard to individual or groups of children with SEN in the classroom. The adult assistant is a key contributor in supporting the teacher through the delivery of targeted strategies and interventions as set out in a child's PLP. Given that close involvement in supporting the teachers, the training needs of the adult assistants in the school should be identified and factored into the SEN action plan and the School Development Plan. Schools should reference DE and EA guidance on the management, deployment and development of assistants.