

SECTION 5: MAKING AND MAINTAINING A STATEMENT

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About this Section

5.1 This Section of the SEN Code of Practice (the Code) sets out the three Steps involved in the making and maintaining of a 'Statement of Special Educational Needs' (a Statement). It also includes restrictions on the disclosure of a Statement, a request for the Education Authority (EA) to substitute the name of a school in a Statement and the ceasing of a Statement. The 3 steps include:

- STEP 1** Serving a copy of a proposed Statement.
- STEP 2** Representations concerning the proposed Statement and consultation on the naming of the school.
- STEP 3** Serving the completed Statement (or amended Statement).

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

5.2 The procedures set out in this Section apply: when a Statement is first made or if a Statement is amended following a re-assessment¹; or following a periodic review (also known as annual review).² Section 7 provides practical guidance regarding annual review of a Statement. Section 8 concerns the preparation of a child's first transition plan and annual review of a Statement during the school year in which the child attains age 14. Where technology and electronic communication is available, and with the agreement of the relevant party, any Notice or document served may be transmitted using this medium. In addition, to assist relevant party representations about the Statement and consulting on the naming of the school, all concerned should maximise the use of available technology and electronic communication e.g. use of e-mail.

¹ Under Article 15 (Assessment of educational needs) of the Education (Northern Ireland) Order 1996.

² Under Article 19 (Reviews of statements) of the Education (Northern Ireland) Order 1996.

This Section is underpinned by:

- Article 16 (Statement of special educational needs)
- Schedule 2 (Making and maintenance of Statements under Article 16), supported by draft regulations:
 - 14 (Time limits and prescribed information relating to assessment - paragraphs (10) to (17)).
 - 15 (Exceptions) - paragraphs (14) to (18)
 - 17 (Statement of special educational needs)
 - 22 (Restriction on disclosure of statements).
- Article 18 (Appeal against contents of Statement).

(of the Education (Northern Ireland) Order 1996)

Introduction

5.3 Where, in light of an assessment made under Article 15, and as set out in Section 4, the EA decides that it is necessary for it to determine the special educational provision necessary to meet a child's special educational needs (SEN), it is required to make and maintain a formal Statement of those needs under Article 16. The Statement is a legal document drafted from the information obtained during the course of a statutory assessment.

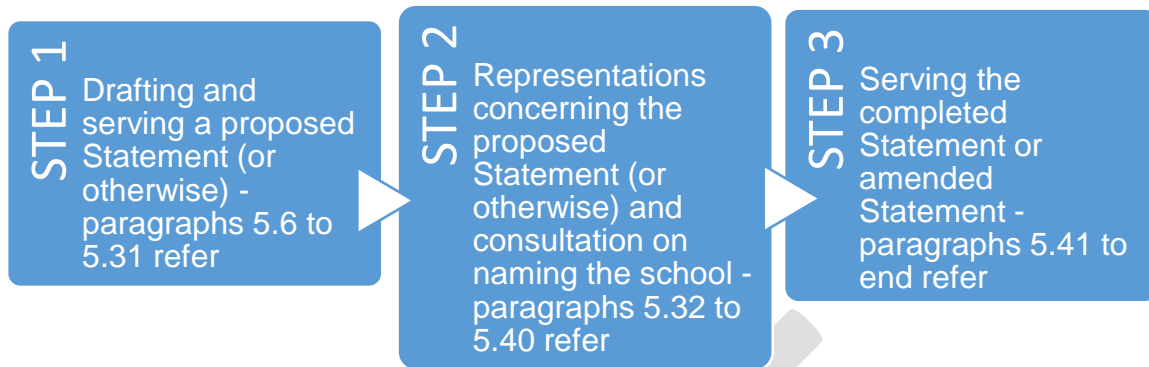
5.4 The statutory timeframe within which the EA is required to serve a copy of the proposed Statement (or otherwise) is within 4 weeks of the completion of an assessment (see Section 4), with no exceptions. In normal circumstances the EA is required to serve a copy of the completed Statement or amended Statement within 6 weeks of serving the proposed Statement. Under certain specific circumstances, known as statutory exceptions, where it is impractical for the EA to meet that 6 weeks timeframe concerning the relevant party, a new timeframe of up to 10 weeks can apply. The timeframes for each Step within the making of a Statement, including exceptions, are detailed in this Section. Diagram 5.9 provides a flowchart of the Statementing process and associated timeframes. The EA is required to operate within the statutory timeframes and respond to Departmental requests on the EA's performance against the statutory timeframes. **Annex 9** provides a combined summary of the Statutory

Assessment (see Section 4) and Statementing Process. It contains the statutory timeframes, exceptions (where it is impracticable for the EA to meet the timeframe) and the new timeframes in light of those exceptions.

5.5 Where the relevant party is a young person, they have the right to appoint a person to provide them with assistance and support so that the young person may fully exercise their rights in the SEN and Inclusion Framework (the SEN Framework). The EA is required to respect any appointment and recognise the assistance and support offered by that person. In addition, where a young person has been determined by the EA to lack capacity, in relation to the exercise of any rights within the SEN Framework, an alternative person or where a child does not have an alternative person, the parent – (hereafter referred in this Section as alternative person or parent), can exercise those rights on behalf of the young person and in that young person’s best interests. (See Section 13 regarding assistance and support and arrangements surrounding lacking in capacity). The EA, is required to:

- issue any required documents regarding a Statement (proposed or completed), and the appropriate Notice directly to the young person or, to the young person’s appointed person (if appropriate); or to the alternative person or parent in the event of a child lacking capacity to exercise their rights;
- notify the parent of the young person, in writing, where the young person is not yet age 18, that the appropriate documents regarding a Statement have issued to the young person; and in so doing
- maximise use of electronic communication in transmitting these documents and Notices. (See paragraph 5.2 and Glossary “serve a Notice”).

Diagram 5.1: The Making and Maintaining of a Statement Cycle



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STEP 1

SERVING A COPY OF A PROPOSED STATEMENT

It is Necessary for the EA to Make and Maintain a Statement

5.6 Where, the outcome of a statutory assessment is a decision that it is necessary for the EA to determine the special educational provision to meet a child's SEN, the EA is required to make and maintain a formal Statement of those needs (see paragraph 4.110).³ In the case of a reassessment or an annual review of a child's Statement (see Section 7), if determined necessary by the EA, the EA is required to amend the existing Statement.

Statutory Timeframe for EA to Serve a Proposed Statement (or otherwise)

5.7 There is a 4 week statutory timeframe within which the EA is required to serve a proposed Statement (or otherwise) after it has completed the assessment. At the same time of serving the proposed Statement (or otherwise), a **Paragraph 4(2) of Schedule 2 to the 1996 Order Notice** should be served.⁴ See paragraph 5.2 and Glossary "serve a Notice" with regard to use of available electronic communications to transmit Notices. Copies of the relevant party's representations and/or evidence and any advice and information which has been submitted during the assessment should be appended when serving a proposed Statement (or otherwise)⁵. (See paragraph 4.60 regarding those from whom the EA may have sought advice).

Diagram 5.2: Statutory Timeframe for EA to Serve the Proposed Statement

within 4 weeks

- **STEP 1: EA TO SERVE A COPY OF A PROPOSED STATEMENT (or otherwise)**
- **Timeframe starts:** Following completion of the assessment.
- **The timeframe ends:** when the EA serve a copy of the proposed Statement (or otherwise) and a Paragraph 4(2) of Schedule 2 to the 1996 Order Notice to the relevant party.
- There are no exceptions to the 4 week timeframe.

³ Under Article 16 (Statement of educational needs) of the Education (Northern Ireland) Order 1996.

⁴ Draft regulation 14 (Time limits and prescribed information relating to assessment).

⁵ Draft Schedule 2 of the draft SEN Regulation 202X.

5.8 The 4 week timeframe **starts** following completion of the assessment.⁶ The Paragraph 4(2) of Schedule 2 to the 1996 Order Notice should explain the statutory arrangements for expressing a preference for a particular grant-aided school and the consultation arrangements with the school(s).⁷ (See Information Box 5.1 regarding the required content of a **Paragraph 4(2) of Schedule 2 Notice**).

Information Box 5.1: Content of a Paragraph 4(2) of Schedule 2 to the 1996 Order Notice

A Paragraph 4(2) of Schedule 2 to the 1996 Order Notice is required to include:

- the right to make representations (or further representations) about the content of the proposed Statement or the Statement as it will have effect if amended in the way proposed by the EA (including the right to ask for meetings with the EA and the advice givers under paragraph 7 of Schedule 2);
- the arrangements to enable the relevant party to express a preference as to school (as under paragraph 5 of Schedule 2);
- the arrangements with regard to consultation with the school(s) the EA is considering naming in the Statement;
- the advice and information available from the EA under Article 21A of the 1996 Order as amended;
- arrangements under Article 21B of the said Order with a view to avoiding or resolving disagreements between:
 - (i) the EA or Board of Governors of grant-aided schools (on the one hand) and the relevant party (on the other hand) as to the exercise by the EA or the Board of Governors of their functions in relation to children who have, or may have, SEN; or
 - (ii) the Board of Governors or proprietor of a relevant school and young person with SEN attending that school or, the parent of a child in any other case, in relation to the special educational provision being made for the child.
- information about mediation arrangements for a person who intends to appeal to the Tribunal;
- the requirement under Article 21C of said Order to obtain a mediation certificate before any appeal can be made to Tribunal; and
- the right of appeal to the Tribunal under Article 18 (to the extent it is applicable).

⁶ Draft regulation 14(10) and (12) (Time limits and prescribed information relating to assessment).

⁷ Under paragraph 3 of Schedule 2 of the 1996 Order.

Form and Content of Statement

5.9 Schedule 2 of the draft Special Education (NI) Regulations 202X prescribes the required format of a Statement of SEN.⁸ **Annex 11** replicates the Prescribed Format and Content of a Statement.⁹

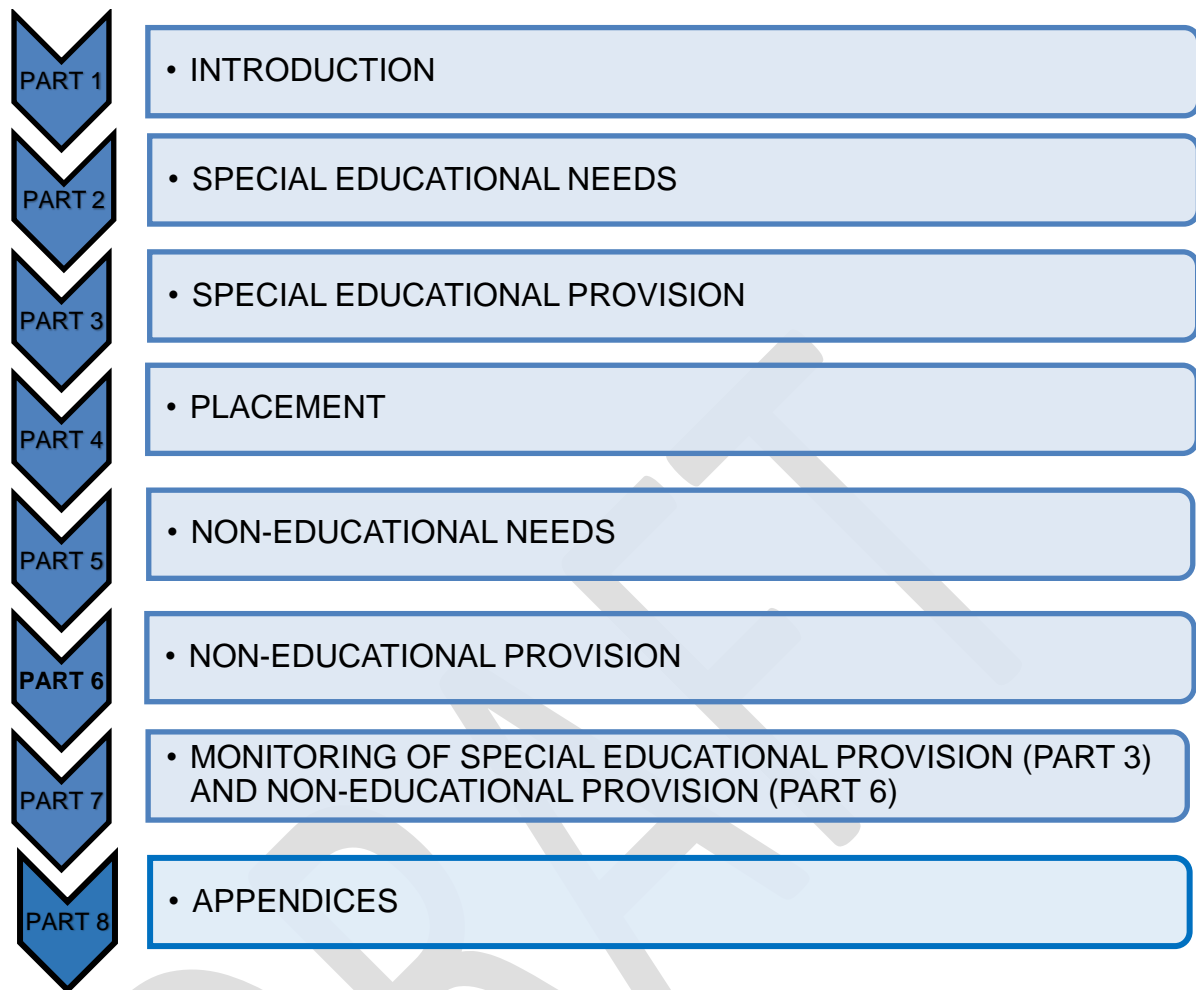
5.10 The Statement has 7 Parts and associated Appendices. The following paragraphs provide a brief narrative of the content in each Part of the Statement. An overarching principle which the EA should apply, is the application of a consistent approach across Northern Ireland in writing a Statement and ensuring that the language used is clear, concise and easily understood. The content of the Statement is required to take into consideration any representations, evidence and advice available. It should set out details of the EA's assessment of the child's SEN and the type of special educational provision required to meet those needs. The nature and extent of the provision should be specified in the Statement. Where diagnostic or technical terms are necessary or helpful, their meaning should be set out in a way which the relevant party and other non-professionals will readily understand. The EA should take particular care to ensure that the text is placed in the correct Part, so as to comply with the form as set out in Annex 11.

Key point: The EA is required to ensure that a consistent approach is applied across Northern Ireland in writing Statements.

⁸ Draft regulation 17 (Statement of special educational needs) and Schedule 2 of the draft SEN Regulations 202X.

⁹ Schedule 2 of the draft SEN Regulations 202X.

Diagram 5.3: Statement Format



Part 1: Introduction

5.11 Part 1 is required to contain the identity and contact information about the child and the child’s parent or the person(s) with parental responsibility for the child. The format includes an endorsement that “When assessing the child’s special educational needs the EA took into consideration the representations, evidence, advice included in the Appendices to this Statement, in accordance with regulations 10 to 13 inclusive”. The fact of whether it is the first Statement made or an amended Statement is required to be recorded. If an amended Statement, Part 1 is required to indicate if it is amended:

- a) following a re-assessment review under Article 19(1)(a) and the date of that

review;

- b) following a periodic review under Article 19(1)(b) and the date of that review;
- c) following a mediation agreement, under regulation 40 (Mediation Agreement) and the date of that agreement;
- d) in compliance with an order of the Tribunal and the date of the order;
- e) pursuant to a direction from the Department under paragraph 2(4) of Schedule 13 of the 1986 Order¹⁰, and the date of the direction; or
- f) pursuant to a request, to substitute the name of the school in the Statement with another grant-aided school (under paragraph 11 of Schedule 2 to the 1996 Order) and the date of the amendment.¹¹

Part 2: Special Educational Needs

5.12 Part 2 of the Statement should describe the EA's assessment of the child's SEN, detailing all the child's learning difficulties identified during the statutory assessment process as requiring special educational provision.

5.13 Part 2 is required to record the primary need in line with the Department's *SEN and Medical Categories Guidance*, see DE website <https://www.education-ni.gov.uk>. Part 2 should also include a description of the child's functioning - what the child can and cannot do. The description should use and refer to the professional advice attached in the appendices. Where the EA adopts that advice in its description of the child's learning difficulties, it should say that it has done so, clearly recording the date of the advice and information and the advice giver's name. It is insufficient merely to state that it is adopting the advice in the appendices. This is because the appendices may contain conflicting opinion open to interpretation, which the EA is required to resolve, giving reasons for the conclusions reached. For every identified need in Part

¹⁰ Regarding school attendance.

¹¹ Draft regulation 17 (Statement of special educational needs) and Schedule 2 of the draft SEN Regulations.

2, an appropriate provision should be set out in Part 3. Part 2 should not include non-educational needs. These should be covered in Part 5 of the Statement.

Part 3: Special Educational Provision

5.14 Part 3 should specify the nature and extent of the special educational provision to be made for the purpose of meeting the need(s) set out at Part 2, including the particulars required by Part 4 (Placement). It should set out **the main educational and developmental objectives** which the special educational provision should aim to meet over the duration of the Statement. The objectives set should be specific, meaningful, achievable, realistic and time-bound. Each SEN specified in Part 2 should be met by provision specified in Part 3. The EA is responsible for arranging the provision set out at Part 3 of the Statement.

5.15 The **educational provision** to meet the child's SEN under Part 3 of the Statement is divided into two sub-sections as follows:-

- a) The **nature and extent of the EA's special education provision** for the child such as, appropriate facilities, equipment, staffing arrangements, advice and assistance, training, etc. Depending on the assessed need, as determined by the EA, the Statement will detail the extent, the hours and the frequency of support (for example, of hours of adult assistance or specialist teaching support). There will, however, be cases where flexibility should be retained in order to recognise and meet the changing SEN of the child concerned.
- b) **The school's special educational provision for the child** (from within its own resources) should be recorded, such as, any appropriate modifications to or exclusions from, the application of the Northern Ireland curriculum (the curriculum) in detail. Also the provision should be recorded which it is proposed to substitute for any such exclusions in order to maintain a balanced and broadly based curriculum. The EA should make arrangements to confirm that the school makes the school provision required set out at this Part. For pupils whose assessment is close to their preparation date for GCSEs or vocational examinations, this sub-section should also indicate any special examination

arrangements/provision required to allow the pupil to have full access to the examination and properly demonstrate their attainment. It should be noted that a pupil does not require a Statement in order to benefit from any exam concessions or special arrangements that might be granted to a pupil with SEN.

5.16 It is important that all the information in Part 3 should be easily understood by the relevant party and all involved in the child's education.

Part 4: Placement

5.17 **When issuing a proposed Statement (or otherwise) this Part must be left blank**, so that the EA does not appear to pre-empt consideration of any preference or representations made by the relevant party. In the completed Statement, following representations as to the name of the school, Part 4 will specify the type of school the EA considers appropriate following consideration of the relevant party's expressed preference as to school. The EA will specify in this Part:

- a) the type of school (special or ordinary) or other institution (an institution other than a grant-aided school under Article 10(1) of the 1996 Order) which the EA considers appropriate for the child;
- b) the name of the school for which the young person, or the parent of the child concerned in any other case has expressed a preference (subject to c) (see paragraph 4.78); or
- c) where the preference expressed at b) is unsuitable to the child's age, ability or aptitude or to his or her special educational needs, or the attendance of the child at the school would be incompatible with the provision of the efficient education for children with whom the child would be educated or the efficient use of resources, the EA is required to specify the name of a school which it considers appropriate for the child; or
- d) any provision for the child's education in accordance with Article 10(1)(b) otherwise than in a school or institution which the EA considers appropriate; or
- e) where residential accommodation is appropriate, that fact.

Key point: Part 4 of the proposed Statement (or otherwise) must always be left blank.

Part 5: Non-Educational Needs

5.18 Part 5 should set out the **non-educational needs** of the child which the EA considers non-educational provision is appropriate, based on the advice received, if the child is to benefit properly from the special educational provision at Part 3.

Part 6: Non-Educational Provision

5.19 Part 6 should set out the **non-educational provision** (see paragraph 5.28) which the EA has found necessary to meet the non-educational needs identified in Part 5 including the arrangements for delivery. In particular, the EA is required to set out any relevant treatment or service identified by a HSC Trust as likely to be of benefit in addressing the SEN of the child and which it shall provide under Article 14(4A) and 14(4B) of the 1996 Order. This will be informed by the health advice provided by the HSC Trust under paragraph 4.88. Part 6 should state the objectives that any non-educational provision should aim to meet.

5.20 When considering a child's non-educational needs and provision, the EA should ensure that the needs are clearly and accurately described and that there is agreement on the provision necessary to meet those needs, between the relevant professionals. While every effort should be made to ensure that the relevant party is satisfied with the provision, it should be acknowledged that there may be occasions when this will not happen. If this is the case, the relevant party has the option to go to mediation or appeal to the Tribunal (see Section 12) once they receive the completed Statement.

Part 7: Monitoring of Special Educational Provision (Part 3) and Non-Educational Provision (Part 6)

i. Monitoring of Special Educational Provision (Part 3)

5.21 Part 7 sets out the arrangements to be made for monitoring the effectiveness of the special educational provision at Part 3 in meeting the child's SEN and associated objectives, including arrangements for:

- a) establishing and regularly monitoring expected outcomes in furtherance of the objectives and preparing or revising the child's Personal Learning Plan (PLP). The expected outcomes (used to inform the child's PLP) should be set by the child's school, in consultation with the relevant party, within **2 months** of the child's placement. Through the PLP process, the school should take all reasonable steps to ascertain the views of the child concerned. (See paragraph 4.97). The child's achievements in light of those expected outcomes, should be considered at the first and any subsequent annual reviews and new expected outcomes set. (See paragraph 3.84). The expected outcomes themselves should not be part of the Statement; and
- b) regularly monitoring the appropriateness of any modifications to, and of any provision substituted for exclusions from, the curriculum.

ii. Monitoring of Non-Educational Provision (Part 6)

5.22 Part 7 will also set out the arrangements to be made for monitoring the effectiveness of the non-educational provision at Part 6 of the Statement. This Part should also set out any special arrangements for reviewing the Statement.

Appendices (to Statement)

5.23 The appendices are required to be attached to: a proposed Statement following a statutory assessment (for a child who does not have a Statement); a proposed amended Statement; and along with an amendment notice (following an annual

review. (See Section 7). The appendices should include all written representations and evidence provided by the relevant party and any information and advice provided and considered by the EA during the statutory assessment process. (See paragraph 4.60).

Special Educational and Non-Educational Provision

5.24 The EA is required to seek to arrange for the provision specified in a child's Statement to be made in a cost-effective manner but the provision is required to be consistent with the child's assessed needs. The efficient use of resources is required to be taken into account when the EA is considering the placement of a child with a Statement, once the relevant party has had an opportunity to express a preference of grant-aided school.

5.25 In drafting the proposed Statement (or otherwise) it is for the EA to determine what 'special educational provision' is included in Part 3 and the 'non-educational provision' in Part 6.

5.26 The 'special educational provision' included at Part 3 of the Statement is that which is "...*additional to, or otherwise different from, the educational provision made generally for children of his age in ordinary school*". By virtue of Article 6(1)(a) of the 1986 Order the educational provision should focus on the 'instruction or training' of the child. Under Article 6 of said Order, the EA has a duty to afford all pupils an opportunity for education "...*offering such variety of **instruction and training** as may be desirable in view of their different ages, abilities and aptitude, and of the different periods which they may be expected to remain in school, including practical instruction and training appropriate to their respective needs...*".

5.27 In practical terms the special educational provision at Part 3 of the Statement should complement the whole school educational provision. (See paragraph 3.8)

Key point: Special educational provision should focus on the practical instruction and training which is appropriate to the needs of the child concerned.

5.28 **Non-educational provision** should focus on provision which does not relate to teaching or instruction of a child. “... *The question of whether any particular provision is educational or non-educational (or a mixture of both) is not a question of law; rather, it is a matter for the LEA and, on appeal, the Special Educational Needs Tribunal*” Bromley –v- SENT [1999] ELR 260.

Relevant HSC Trust Treatment or Service

5.29 The health advice and information received by the EA during the statutory assessment from a HSC Trust¹² may include a particular treatment or service that the child concerned may benefit from, for example, speech and language therapy, occupational therapy or physiotherapy.¹³ A HSC Trust has a duty to provide the relevant treatment or service which it has identified as likely to benefit the child concerned. Any relevant treatment or service means “...*a treatment or service normally provided by a health and social care authority as part of its statutory functions relating to the provision of health care*”.¹⁴

5.30 Schools, the EA and HSC Trusts should co-operate closely in the identification, assessment and provision of services aimed at meeting the needs of children with communication difficulties. It is important that the nature and extent of provision required for individual children should be examined very carefully and that full consideration is given as to how such provision can best be delivered. In some cases, for example, children may need regular and continuing help from a speech and language therapist, either individually or in a group. In other cases, it may be appropriate for staff at the child’s school to deliver a programme of support taking into account the advice of a speech and language therapist.

Key point: The EA should satisfy itself that the arrangements in place for an HSC Trust to provide a service or treatment are sufficient to enable the EA to fulfil its statutory obligations.

¹² Draft regulation 10 (Advice to be sought by the Authority).

¹³ Article 14 (4A) and (4B) of the 1996 Order.

¹⁴ Section 2(5) of the Health and Social Care (Reform) Act (Northern Ireland) (2009).

5.31 In making a Statement, the needs of children of families from different linguistic and cultural backgrounds should be borne in mind, especially where English is not the first language of the relevant party. The EA should seek appropriate advice to help ensure that the relevant party and the child are involved in all aspects of the process and that they fully understand the terms of the Statement and its practical implications.

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STEP 2
REPRESENTATIONS CONCERNING THE PROPOSED STATEMENT AND
CONSULTATION ON NAMING THE SCHOOL

Relevant Party Representations

5.32 When the EA sends the relevant party a **Paragraph 4(2) of Schedule 2 to the 1996 Order Notice** along with a copy of a proposed Statement (or otherwise) it will have advised the relevant party of their statutory right to:

- make representations (or further representations) about the content of the proposed Statement (or otherwise);
- express a preference for a type or name of grant-aided school or institution at which the relevant party wishes education to be provided, which the EA is required to consider; and
- make representations in favour of a placement other than at a grant-aided school in Northern Ireland.

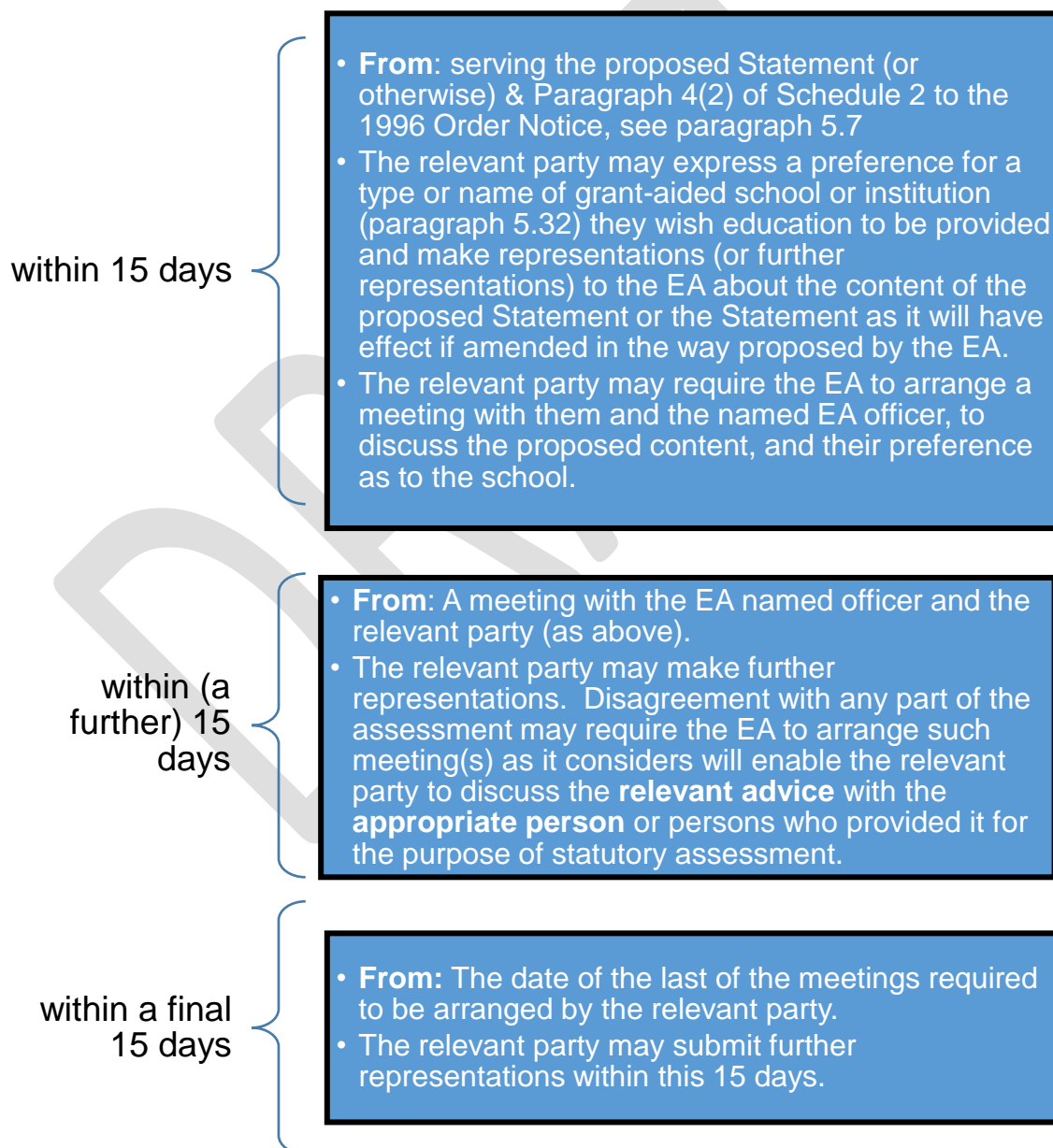
5.33 The relevant party has the right to request meetings, within set timeframes, to discuss any aspect of the content of the proposed Statement, including the advice obtained during the statutory assessment. Diagram 5.4: details the timeframe for the relevant party to make representations about the proposed Statement, also see Diagram 5.9: Statementing Process Flowchart.

5.34 If the relevant party has been fully consulted, made representations and provided evidence during the statutory assessment process, they are more likely to consider that the proposed Statement (or otherwise) presents a positive and accurate appraisal of the child's SEN and that the provision proposed, represents an appropriate response to those needs.

5.35 Within the context of representations:

- ‘**relevant advice**’ means the advice given to the EA as part of the statutory assessment process; and
- ‘**appropriate person**’ means the person who gave the relevant advice, or any other person who, in the opinion of the EA is the person to discuss it.

Diagram 5.4: Timeframe within which Relevant Party can Make Representations¹⁵



¹⁵ Schedule 2, paragraph 5 (Preference as to school) and 7 (Representations) of the 1996 Order refers.

5.36 Every effort should be made to ensure that the relevant party is satisfied with the proposed Statement (or otherwise) and that they understand the background to the proposals made for the child. They should also be informed that, as far as is reasonably practicable, the child's views were sought and are reflected in the proposed Statement (or otherwise) and that the child (where capacity is not an issue), understands the reasons for the proposals.

5.37 At any meetings arising from the proposals, the relevant party should be given sufficient time and information to discuss their concerns with the Named EA Officer and mutual agreement should be sought where possible. The relevant party should be informed that they may be accompanied by a friend, relative or adviser at any of the above meetings, see Diagram 5.4 above. The EA may wish to refer the relevant party to HSC Trust professionals who provided the advice and information used in the assessment for clarification of any relevant aspect of the provision proposed if it is giving cause for concern.

5.38 In dealing with representations from a relevant party who is a young person, and who has appointed a person to provide assistance and support, the EA is required to recognise the young person's appointed person subject to the requirements under paragraph 13.11.

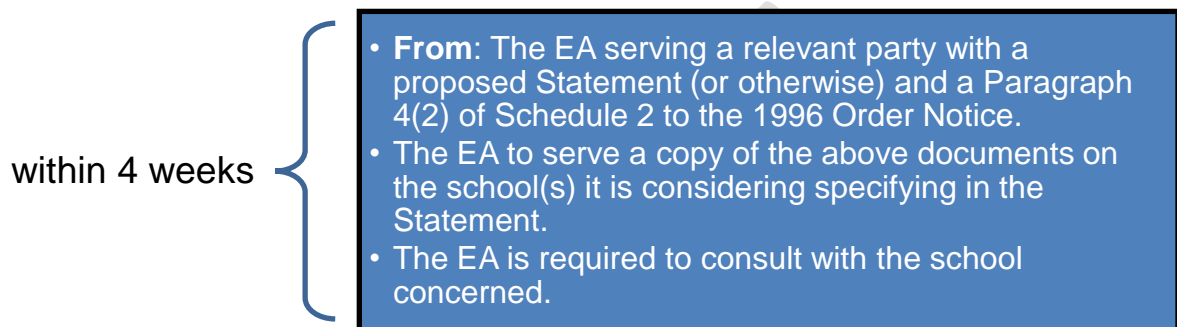
Consultation on Specifying Name of School in Statement (Part 4)

5.39 The EA is required to consult with the Board of Governors of any school (the "affected body") if it is considering specifying that grant-aided school in a Statement (or amending a Statement). The EA is required to serve a copy of the proposed Statement (or otherwise) and a **Paragraph 4(2) of Schedule 2 to the 1996 Order Notice**, on the school (or each school) being considered within 4 weeks of it being provided to the relevant party.¹⁶ (See paragraph 5.2 and Glossary "serve a Notice" with regard to use of available electronic communications to transmit Notices). In many instances, the relevant party will have expressed the preferences of where they would like the child to be educated. (See paragraph 5.32).

¹⁶ Draft regulation 14(14) (Time limits and prescribed information relating to assessment).

5.40 Within Step 3, the EA should give due consideration to the views expressed by the school. The decision as to whether to name a particular school in a child's Statement remains with the EA when completing the Statement.

Diagram 5.5: Consultation Timeframe with a School(s) Being Considered to Name in Statement



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STEP 3

SERVING THE COMPLETED STATEMENT (OR AMENDED STATEMENT)

Serving the Completed Statement (or otherwise)

5.41 When, the period for making representations, as under paragraph 5.32, has expired, and amendments to the proposed Statement (or otherwise) have been discussed by the EA and the relevant party, the completed Statement (or otherwise) should issue **immediately** along with a **Paragraph 9 of Schedule 2 to the 1996 Order Notice**. (See paragraph 5.2 and Glossary “serve a Notice” with regard to use of available electronic communications to transmit Notices).

EA Timeframe for Serving the Completed Statement (or otherwise)

5.42 In normal circumstances, the EA is required to **serve a completed Statement (or otherwise) and a Paragraph 9(2) of Schedule 2 to the 1996 Order Notice within 6 weeks** of serving the proposed Statement (or otherwise) and a Paragraph 4(2) of Schedule 2 to the 1996 Order Notice.¹⁷ (See paragraph 5.6 to 5.8).

5.43 Where the EA is endeavouring to make arrangements for special educational provision for a child outside of Northern Ireland¹⁸ or in an institution in NI otherwise than a grant-aided school (and has sought consent from the Department to do so, but has not, within 3 weeks of the request, received that consent or otherwise from the Department), a new timeframe of 9 weeks will apply.¹⁹ In addition, where it is impracticable for the EA to serve the completed Statement (or otherwise) within the 6 week timeframe, because of certain circumstances relating to the relevant party, a **new timeframe of 10 weeks** applies.²⁰ The circumstances are:

- exceptional circumstances affect the relevant party during that 6 week period; or

¹⁷ Draft regulation 14(15) (Time limits and prescribed information relating to assessment).

¹⁸ Draft regulation 15(17) (Exceptions).

¹⁹ Draft regulation 15(18) (Exceptions).

²⁰ Draft regulation 15(15) (Exceptions).

- the relevant party was absent from Northern Ireland for a continuous period of not less than 4 weeks during that 6 weeks period.²¹

5.44 In exercising their right to request a meeting with the EA, (see paragraph 5.32 to 5.38), the relevant party may have asked to meet with the EA and other advice and information givers. If it has not been practicable for the EA to comply with the 6 week timeframe, in such circumstances, the EA is required to serve the completed Statement (or otherwise) within 2 weeks following:

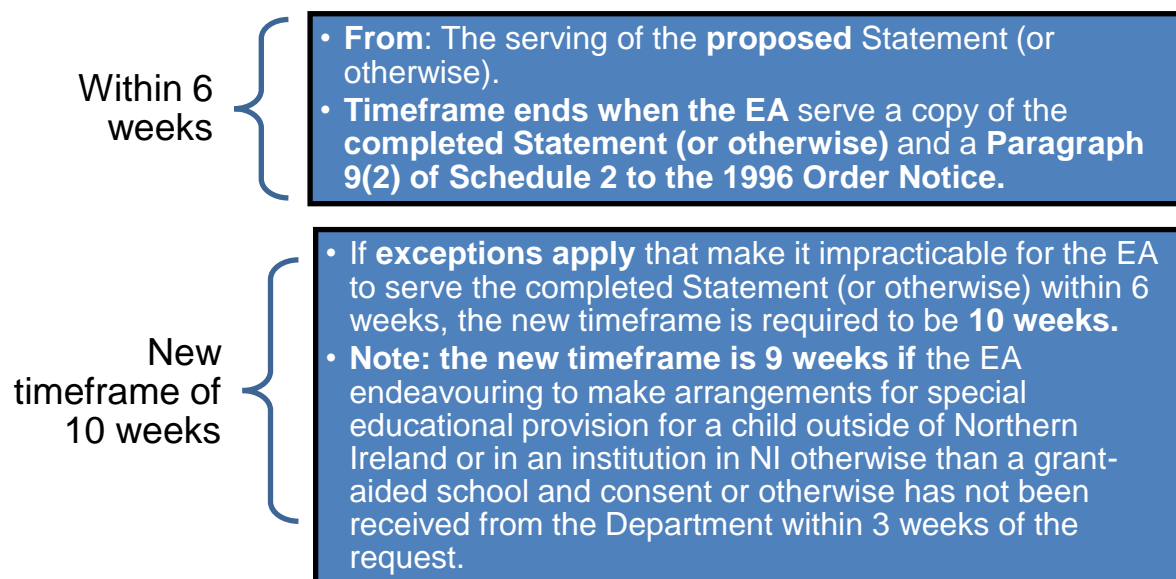
- the time within which any representations may be received from the relevant party; or
- the last meeting which has been or is to be held under paragraph 7(1)(b) or (2) of Schedule 2 to the 1996 Order, see paragraph 5.34.²²

5.45 Diagram 5.9 provides a flowchart of the Statementing process including the timeframe for completion of the Statement. Annex 9 provides an overall summary process of the Statutory Assessment and Statementing Processes. This includes the statutory timeframe within which the EA is required to serve a completed Statement (or otherwise).

²¹ Draft regulation 15(16) (Exceptions).

²² Draft regulation 15(14) (Exceptions).

Diagram 5.6: Statutory Timeframe for EA to Serve a Completed Statement (or otherwise)



Information Box 5 2: - Content of a Paragraph 9(2) of Schedule 2 to the 1996 Order Notice

A Paragraph 9(2) of Schedule 2 to the 1996 Order Notice is required to include:

- advice and information available from the EA under Article 21A of the 1996 Order as amended;
- the right to request a review meeting to inform the periodic review;
- information under Article 13 of the General Data Protection Regulations;
- arrangements under Article 21B of said Order with a view to avoiding or resolving disagreements between:
 - (i) the EA or Board of Governors of grant-aided schools (on the one hand) and the relevant party (on the other hand) as to the exercise by the EA or the Board of Governors of their functions in relation to children who have, or may have, SEN; or
 - (ii) the Board of Governors or proprietor of a relevant school and young person with SEN attending that school or the parent of a child in any other case, in relation to the special educational provision being made for the child;
- information about mediation arrangements for a person who intends to appeal to the Tribunal;
- the requirement under Article 21C of said Order to obtain a mediation certificate before any appeal can be made to Tribunal; and
- the right of appeal to the Tribunal against:
 - (a) the description of the EA's assessment of the child's special educational needs;
 - (b) the special educational provision specified in the Statement (including the name of a school specified in the Statement); or
 - (c) if no school named, that fact.

5.46 Where the relevant party is a young person, (but has not yet age 18) the EA is required to, at the same time as issuing the completed Statement (or otherwise) to the young person, inform the child's parent that the documents have been issued. Where electronic communication is available to the parent, and with their agreement, that form of transmission may be used.

5.47 Every effort should be made to ensure that the relevant party understands the significance of any amendments and the nature of the special educational provision proposed to meet the child's SEN.

5.48 Where, despite opportunities to discuss the situation with the named EA officer, and any relevant advice givers, changes to the proposed Statement or otherwise as suggested by the relevant party are refused, or the relevant party is unwilling to accept other EA amendments to the proposed Statement or otherwise, the EA may still issue the completed Statement. In these cases, the relevant party can appeal the EA's decision to the Tribunal after the completed Statement (or otherwise) has issued and as advised in the **Paragraph 9(2) of Schedule 2 to the 1996 Notice**. The relevant party may also consider accessing the independent arrangements to resolve disputes or disagreements and/or the mediation arrangements for those who intend to make an appeal. (See Section 12).

Naming of a School in Part 4 of the Statement

5.49 There is a duty on the EA to educate a child with a Statement in ordinary (mainstream) school, unless it is incompatible with the wishes of a child's parent or young person or the provision of the efficient education of other children.²³ In determining the placement which best meets the child's needs, the EA should give careful consideration to the expressed preference of the relevant party and the views of the child concerned. Where the preference is for mainstream education, the EA

²³ Article 7 (Duty to educate children with special educational needs in ordinary schools) of the Education Order 1996.

should take all reasonable steps to provide for it. (See Section 14, commencing at paragraph 14.38).

5.50 If, in the EA's opinion, the conditions under paragraph 5.49 would not be met in the mainstream school preferred by the relevant party, the EA's statutory duty to secure that the child is educated in a mainstream school nevertheless continues to apply if the conditions would be satisfied at a different mainstream school. The EA should look across its grant-aided schools to provide and name appropriate mainstream education wherever possible. Where, in the EA's opinion, the statutory conditions, under paragraph 5.49, do not apply and the EA decides not to name the relevant party's preferred school in a Statement, it should consult the relevant party about other school choices.

5.51 Where there is disagreement between the relevant party and the EA, the EA can only decide against mainstream education, contrary to parent's wishes, if the school is unsuitable to the child's age, ability, aptitude, SEN or the child's attendance at the school would be incompatible with the provision of efficient education of other children. The general duty assumes that with the right strategies and special educational provision most children with SEN can be included successfully in a mainstream school. The EA should be able to provide a mainstream option for most children with SEN.

Key point: The EA and mainstream schools can only decide against mainstream education, contrary to parents' wishes, on the grounds that it would be incompatible with the provision of efficient education of other children or the efficient use of resources.

Special School Placement

5.52 Whilst the general duty under paragraph 5.50 provides that a child with a Statement should be educated in a mainstream school, the EA is not bound by this duty as it relates to an individual child. A relevant party may express a preference that they do not want education provided in a mainstream school. The EA may decide that the best place to educate the child is in a grant-maintained special school or in a

Learning Support Centre (LS Centre), in some cases the relevant party will have expressed a preference for this. In other cases the EA and the relevant party will not agree as to the best place to educate a child and in such cases there should be clear reasons for the EA to go against the wishes of the relevant party for a special school or LS Centre placement. These reasons may include where there is strong evidence from advice givers during the child's statutory assessment which lead the EA to consider the relevant party's choice not to be the best placement for the child, or where the relevant party's choice is incompatible with the efficient education of other children. (See Section 14, paragraph 14.38).

5.53 Where a **preference for a particular grant-aided special school** is expressed by the relevant party, the EA is required to name the preferred choice of school in the child's Statement unless one or both of the conditions in paragraph 5.51 apply. Where the relevant party has **not provided a preferred choice of a particular special school**, the EA is required to decide which special school (or LS Centre) is to be named in the child's Statement. Where a relevant party's preferred choice of a grant-aided special school is not named in the child's Statement the EA is required to consider the request for special school education. In doing this, the EA is required to have regard to the need to arrange suitable special educational provision.

Schools of a Particular Ethos

5.54 The EA should consider carefully any preferences made by a relevant party for **schools with a particular ethos**. While these considerations should not over-ride the statutory requirements governing placements, they may enhance the capacity for a school to meet a child's needs. Therefore, the EA should look at all options available to it and adhere to the criteria surrounding the placement of a child, even if the relevant party favours a school with a particular ethos.

5.55 It is important that the spiritual development of all children, including those with Statements, is addressed as part of their education. To help meet this requirement, every pupil, whether attending a mainstream or special school is required to receive religious education and attend collective worship, unless this is against the wishes of the parents or the pupil's Statement indicates otherwise.

Placements Other Than at Grant-aided Schools in Northern Ireland

5.56 The EA may arrange, under Articles 10 to 12 of the 1996 Order, for all or part of a child's special educational provision to be made:

- (a) in Northern Ireland otherwise than at grant-aided school;
- (b) at an independent school;
- (c) in other non-grant-aided institutions in Northern Ireland; or
- (d) at an institution outside Northern Ireland.

5.57 In all cases, the EA is required to consult with the relevant party and is required to be satisfied that the interests of the child require such arrangements to be made and that they are compatible with the efficient use of resources. Any such arrangements should be specified in Part 4 of the Statement.

5.58 Reference to the Department is not required in such cases referred to in paragraph 5.56, except where the proposed placement is at an institution in Northern Ireland which is not for the time being, approved by the Department (under Article 26 of the 1996 Order as amended) as suitable for the admission of children with SEN. Where the EA is proposing to place a child in a setting not approved by the Department, the prior consent of the Department is required to be sought, giving full information as to why the placement is considered appropriate for the child and providing copies of any professional advice to assist the Department's consideration. The Department will advise the EA of all approvals given under Article 26, updating this information as necessary, and of any case where approval may subsequently be withdrawn.

5.59 In these circumstances, the Department should, aim to respond to the EA's request for consent (either granting or refusing consent) within 3 weeks from the Department's receipt of the written request from the EA. The Department may issue

guidance to the EA with regard to procedures for obtaining the Department's consent or otherwise to a child being placed in an institution otherwise than at school in NI. In so doing the EA is expected to operate consistently within the arrangements set out in the guidance. The EA and the Department should make maximum use to technology and electronic communications in this regard.

5.60 Where the EA decides to place a child with a Statement at **an institution in Northern Ireland other than a school**, it may contribute to the costs of providing education for the child. This may include the payment or part-payment of any fees in respect of education or board and lodging for the child; the provision of transport for the child to facilitate their attendance at the institution; and/or the provision of equipment and services to the institution.

5.61 The relevant party may express **a preference for a child's education in an independent or a school which is not grant-aided**. The EA is required to give full consideration to the relevant party's representations. Article 12 of said Order will apply if the EA is satisfied that the child's interests require education at a non-grant-aided independent school and that education at the particular school is appropriate.

5.62 Where the **EA decides to place a child with a Statement at an independent school in Northern Ireland**, under Article 12(2) of the 1996 Order, it is required to pay any fees payable in respect of the education provided for the child. It may also pay any fees in respect of board and lodging for the child and provide transport for the child to facilitate attendance.

5.63 If a relevant party chooses to place their child with a Statement in **an independent school** (whether or not approved under Article 26 of the 1996 Order as amended) they will do so **at their own expense**. In these circumstances, the EA should satisfy itself that the school is able to make the special educational provision specified in Part 3 of the completed Statement before it is relieved of the duty to arrange that provision. If satisfied, the EA has no obligation to contribute towards the cost of educating the child at the parent's choice of school. While the completed Statement (or otherwise) should still specify the type of school or other institution considered appropriate for the child, the EA do not have to name a particular school

in the child's completed Statement (or otherwise). This avoids the EA naming a particular school in Part 4 of Statement and having to keep a place open for the child at that school, thereby potentially freeing up that place for another child. However the EA, still has a duty to maintain and review the child's completed Statement annually under Section 7.

Institution Outside Northern Ireland

5.64 Before the EA arranges through a Statement for a child to attend **an institution outside Northern Ireland**, under Article 11 of the 1996 Order, it is required to be satisfied that the setting in question specialises in providing for children with SEN. Where the EA makes such an arrangement, it is required to pay the fees charged by the institution. These fees may be the expenses reasonably incurred in maintaining the child while at the institution or the travelling expenses incurred by the child or person who might accompany the child while travelling or staying at the institution.

EA Decision on Naming a School

5.65 Where the EA decides that it will not name the relevant party's first choice of school in the completed Statement or amended Statement, it should explain its decision in writing to the relevant party. Where the relevant party is unsure or unhappy about a choice of school, they may find it helpful to talk to the school, an EA officer or both or someone from a voluntary organisation. The EA should make every effort to arrange meetings quickly and issue the completed Statement within the statutory time limits.

5.66 When a grant-aided school is named in a child's completed Statement (or otherwise), the Board of Governors of a school may not refuse to admit a child because they have SEN. (See Section 14). A grammar school should not be named in a Statement unless it is clear that the placement would be appropriate to the child's ability.

Admission of a Child to a Mainstream School

5.67 There may be instances where the admission of a child with a Statement to a mainstream school will take the school over its approved admissions number or enrolment number for that year. The statutory requirements relating to approved admissions and enrolment numbers do not apply to children with Statements, and as such, Departmental approval is not required.

Implementing the Provision Specified in the Completed Statement

5.68 The EA is required to arrange the special educational provision from the date on which the completed Statement is made without any undue delay. The EA should put in place arrangements to:

- provide a copy of the completed Statement (or otherwise) to the Board of Governors or proprietor of the school which is named in the Statement and at which the child is registered, (see paragraph 5.75(b) regarding the disclosure of Statements); and
- inform the relevant HSC Trust about the inclusion in a child's Statement of the treatment or service that the Trust has included in their advice and information for the purpose of the statutory assessment.

Request to Substitute the Name of a Grant-Aided School

5.69 Where a Statement is in place for a child, a relevant party has the statutory right to request the EA to substitute the name of a grant-aided school for the school named in the Statement. The EA is required to comply with the request **so long as**:

- it is made more than 12 months after a similar request; the issue of a final copy of the completed Statement or of an amendment to the Statement; or the conclusion of an appeal to the Tribunal about the provision specified in the Statement, whichever is the latest; and

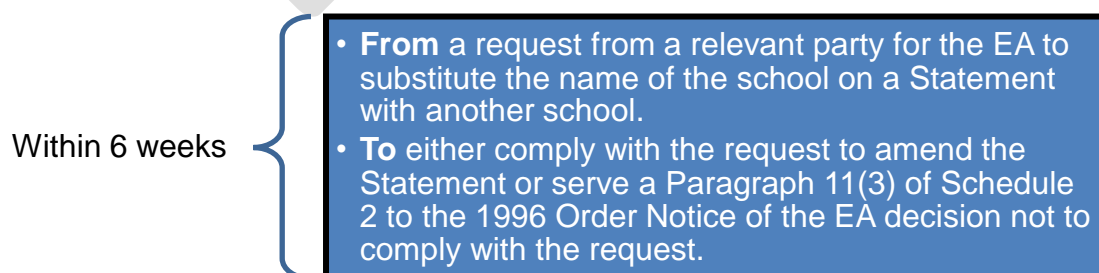
- the school is suitable for the child; and attendance would be compatible with the efficient education of other children at the school and with the efficient use of resources.

5.70 If these conditions apply, the EA is required to amend the Statement to name the school proposed by the relevant party, having first consulted the Board of Governors of the school to be named (see paragraph 5.39). In some cases it may be reasonable for the EA to specify in the Statement the date on which the child is to start the new school; for example, to coincide with the start of a new term, or give sufficient time for the school to make necessary preparations for the child’s arrival.

5.71 If the child is due to transfer between phases, the EA is required to name a school which will be appropriate for that child. It should do so in consultation with the relevant party, following the statutory procedures for amending Statements.

5.72 Where a relevant party asked the EA to substitute the school named in a Statement (see paragraph 5.54) and the EA decides not to comply with the request, the EA is required to inform the relevant party through serving a **Paragraph 11(3) of Schedule 2 to the 1996 Order Notice**. (See paragraph 5.2 and Glossary “serve a Notice” with regard to use of available electronic communications to transmit Notices).

Diagram 5.7: Statutory Timeframe for EA to Action Decision on a Request to Substitute the Name of a School in a Statement



Right of Appeal – Statement

5.73 The relevant party has a right to appeal to the Tribunal when a Statement is first made, if an amended Statement is served after conducting a re-assessment or after a periodic review the EA determines not to amend a Statement. The appeal in these circumstances relates to:

- (a) the description in Part 2 of the Statement of the EA's assessment of the child's SEN;
- (b) the special educational provision specified at Part 3 of the Statement;
- (c) the school, if any, named at Part 4 of the Statement; and
- (d) the decision, not to name a school in the Statement.

5.74 The EA is required to make arrangements, which are independent from the EA, for providing mediation to a person who intends to appeal to the Tribunal. (See Section 12, paragraph 12.23). Recourse to mediation or the Tribunal will inevitably be stressful for the relevant party concerned and time-consuming for the EA. To reduce the number of appeals and delays in the process, the EA should keep the relevant party fully involved and try to resolve any matters raised. The EA should ensure that the relevant party has access to all the necessary information and support during the statutory assessment process and that they contribute to the Statement. (See Section 1).

Information Box 5.3: Content of a Paragraph 11(3) of Schedule 2 to the 1996 Order Notice

A Paragraph 11 (3) of Schedule 2 to the 1996 Order Notice is required to include:

- the EA's decision not to comply with the relevant party's request to substitute the name of the school named in the Statement (as under paragraph 11(2) of Schedule 2);
- advice and information available from the EA under Article 21A of the 1996 Order as amended;
- arrangements under Article 21B of said Order with a view to avoiding or resolving disagreements between:
 - (i) the EA or Board of Governors of grant-aided schools (on the one hand) and the relevant party (on the other hand) as to the exercise by the EA or the Board of Governors of their functions in relation to children who have, or may, have SEN;
 - (ii) the Board of Governors or proprietor of a relevant school and young person with SEN attending that school or the parent of a child in any other case, in relation to the special educational provision being made for the child;
- information about mediation arrangements for a person who intends to appeal to the Tribunal;
- the requirement under Article 21C to obtain a mediation certificate before any appeal can be made to Tribunal; and
- the relevant party's right of appeal to the Tribunal.

Keeping and Disclosure of Statements

5.75 Throughout this process everyone involved should ensure that information is stored and/or shared in accordance with Article 13 of the General Data Protection (NI) Regulations 2018. A Statement is not to be disclosed by the EA without the consent of the young person or the parent of a child (in any other case) **except** to the persons and for the purposes set out below:

- a) To the Department for the purpose of carrying out any of its function under Part II of the 1996 Order as amended and the draft SEN (NI) Regulations 202X.
- b) The Board of Governors or proprietor of a school at which the child is registered for the purposes of carrying out its functions under Part II of the 1996 Order as amended and the draft SEN (NI) Regulations 202X.

- c) Any person from whom the EA is seeking advice and information in accordance with regulation 10 for the purpose of statutory assessment in respect of the child concerned under Article 15 of the 1996 Order as amended.
- d) Any person from whom the EA is seeking advice and information for the purpose of a periodic review in accordance with Article 19(1)(b).
- e) The manager of an Article 10(1) institution (other than an independent school) at which the EA has arranged special educational provision to be provided for the child for the purposes of that institution carrying out its function under Part II of the 1996 Order as amended and the draft SEN (NI) Regulations 202X.
- f) Where a person has requested mediation, with the mediation adviser, at the request of that adviser, for the purpose of carrying out functions under Part II of the 1996 Order and the draft SEN (NI) Regulations 202X.
- g) To a person for the purpose of educational research where:
 - i. the EA has formed the opinion the research may advance the education of children with SEN; and
 - ii. the person engaged in that the research has undertaken not to publish anything contained in, or derived from, a Statement otherwise than in a form which does not identify the child concerned or any other person.
- h) To the appropriate officer of a HSC Trust for the purpose of carrying out an assessment required by the child concerned in accordance with s.5(5) of the Disabled Persons (Northern Ireland) Act 1989 (the 1989 Act).
- i) To the HSC Trust for the purposes of that HSC Trust performing of its duties (associated to safeguarding and welfare) under Article 26(1)(a), 174(6), 175(3) or 177(5) of the Children (Northern Ireland) Order 1995.
- j) To the Regulation and Quality Improvement Authority (RQIA) for the purposes

of RQIA performing its duties under Article 176(2) of the Children (Northern Ireland) Order 1995.

- k) To an inspector (or lay person appointed under Article 102A of the Education and Libraries (Northern Ireland) Order), on request, for the purposes of carrying out functions under Article 102 of the 1986 Order.²⁴

5.76 Disclosure includes disclosure to any agencies other than the EA, who may be referred to in the Statement as making educational or non-educational provision. (See paragraph 5.29).

5.77 The Board of Governors of a school has a duty to make sure that, where a child with SEN is attending the school, that those needs are made known to all those who are likely to be concerned with the pupil's education; and for safeguarding and promoting the welfare of registered pupils. Underpinned by GDPR provisions, it is important, in the interests of the child that teachers working closely with the child should have a full knowledge of the child's Statement. In particular, the Statement will have set out in Part 3, the school's special educational provision for the child (from within its own resources). This information should be used to inform the child's PLP. (See paragraph 3.56). In addition, the Careers Service officers who provide careers guidance to the child's school and who participate in planning for the transition during the school year a child with a Statement attains age 14 and in subsequent years during the annual review of the child's Statement (see Section 8) need to have access to the Statement. Boards of Governors should also have such access to Statements as is commensurate with their duties towards pupils with SEN. Any person properly having access to a child's Statement should bear in mind the need to maintain confidentiality about the child and the requirements of GDPR.

5.78 Where a child with a Statement moves outside Northern Ireland to another jurisdiction, the EA should seek the agreement of the relevant party to send a copy of the Statement to the appropriate authority (where known).

²⁴ Draft regulation 22 (Restriction on disclosure of statements).

Ceasing to Maintain a Statement

5.79 There should be no assumption that, once the EA has made a Statement, it should be maintained until the EA is no longer responsible for the young person. Statements should be maintained only when necessary. A Statement will remain in force until:

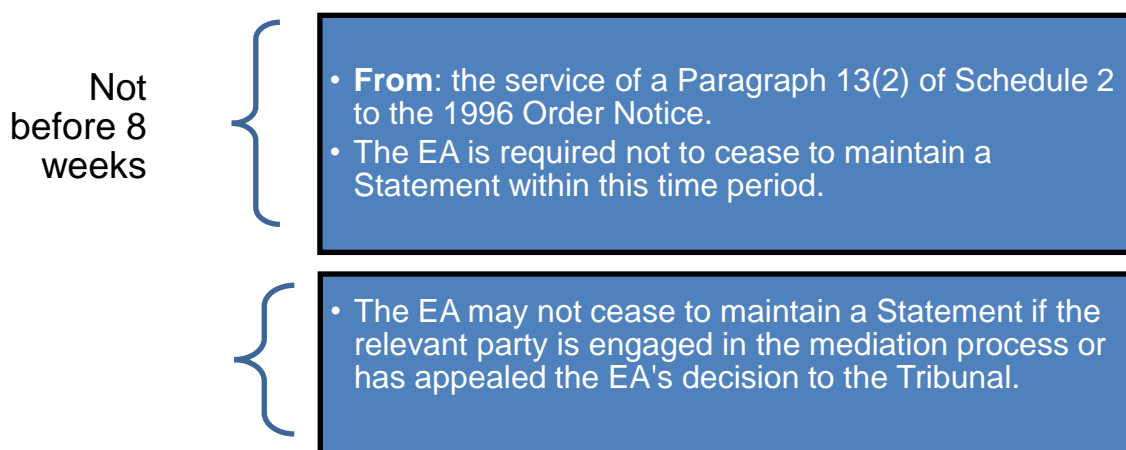
- a) the EA ceases to maintain it because it is no longer necessary for it to be maintained; or
- b) the child is no longer the EA's responsibility, for example, leaving school, on moving to further or higher education or to social care provision.

5.80 If the EA concludes, following a re-assessment (under Section 4) or an annual review (under Section 7) that it should cease to maintain a Statement, any additional resources attached to it can be released to help other children. Such decisions should only be made after careful consideration of all the circumstances and consultation with the relevant party. In making its decision, the EA should take into account the outcomes of recent annual reviews and should consider whether the objectives of the Statement have been achieved. Notwithstanding the (partial) achievement of these objectives, the EA should particularly consider whether progress might be halted or reversed if the provision specified in the Statement were not made.

5.81 Once the EA makes a decision to cease to maintain the Statement it is required to serve a **Paragraph 13(2) of Schedule 2 to the 1996 Order Notice** on the relevant party. (See paragraph 5.2 and Glossary "serve a Notice" with regard to use of available electronic communications to transmit Notices). The EA is required not to cease to maintain the Statement before a period of 8 weeks from serving that Notice. The required content of the Notice is included in Information Box: 5.4. The Notice is required to include the reason for its decision and the right of appeal to the Tribunal.²⁵ The EA should provide copies of any relevant evidence it used in forming the opinion to cease the Statement.

²⁵ Draft regulation 14(16) (Time limits and prescribed information).

Diagram 5.8: Timeframe Before EA Can Cease to Maintain a Statement



5.82 The EA may not cease to maintain a Statement if, the relevant party is engaged in mediation with the EA or has appealed the EA's decision to cease the Statement. (See Section 12).

Information Box 5.4 – Content of a Paragraph 13(2) to Schedule 2 to the 1996 Order Notice

A Paragraph 13(2) of Schedule 2 to the 1996 Order Notice is required to include:

- the EA's decision to cease to maintain the Statement (as per paragraph 13(1) of Schedule 2);
- advice and information available from the EA under Article 21A of the 1996 Order as amended;
- arrangements under Article 21B of said Order with a view to avoiding or resolving disagreements between:
 - (i) the EA or Board of Governors of grant-aided schools (on the one hand) and the relevant party (on the other hand) as to the exercise by the EA or the Board of Governors of their functions in relation to children who have, or may have, SEN;
 - (ii) the Board of Governors or proprietor of a relevant school and young person with SEN attending that school or the parent of a child in any other case, in relation to the special educational provision being made for the child;
- information about mediation arrangements for a person who intends to appeal to the Tribunal;
- the requirement under Article 21C of said Order to obtain a mediation certificate before any appeal can be made to Tribunal; and
- the right of appeal to the Tribunal.

Where the EA No Longer has Responsibility for a Child

5.83 **If the EA is no longer responsible for a child**, as under paragraph 5.84 or the Tribunal has ordered the EA to cease to maintain a Statement,²⁶ the EA is not required to issue a Paragraph 13(2) of Schedule 2 to the 1996 Order Notice.

5.84 A young person may leave school at 16 (over compulsory school age) to seek employment or training. There is no need to formally cease to maintain the Statement since the young person would cease to be a pupil for whom the EA is responsible once they leave school. While there is no legal duty on the EA to issue a Paragraph 13(2) Notice, the EA may wish to inform the parent or the young person (as appropriate), where it has been determined that the EA is ceasing to maintain the Statement as they are no longer the responsibility of the EA. By contrast, if there is agreement that the pupil should stay at school post 16 and the EA has appropriate school provision, the EA should normally continue to maintain the Statement.

²⁶ Under Article 18(3)(c) (Appeal against the contents of a statement) of the Education (Northern Ireland) 1996 Order.

Diagram 5.9: Statementing Process Flowchart

Statutory Assessment completed – EA decide to make a Statement

STEP 1

Proposed Statement*

Within 4 weeks of the completion of the assessment and on reaching a decision to make a Statement, EA to serve

A Proposed Statement (or otherwise) and a Paragraph 4(2) of Schedule 2 to the 1996 Order Notice on the relevant party including information on representations and expressing preference on school

* Proposed Statement refers to Proposed Statement, amended Statement or existing Statement and amendment Notice following annual review referred to as proposed Statement (or otherwise)

STEP 2

Representation (including expressing a preference as to school) and Consultation on the Proposed Statement

Representations (see para.5.34)

Within 15 days of service of the Proposed Statement (or otherwise) and Paragraph 4(2) of Schedule 2 to the 1996 Order Notice relevant party may make representations and express a preference as to grant-aided school at which the relevant party wishes education to be provided

- > the relevant party may ask to meet EA named officer - EA to arrange & hold meeting
(*Para. 7(1)(b) Of Schedule 2 to the 1996 Order, as amended*)
- > **within 15 days of meeting with EA**, relevant party may ask to meet other advice givers – EA to arrange - meeting with advice givers held (*Para. 7(2) Of Schedule 2 to the 1996 Order as amended*)
- > **within a final 15 days** from last meeting relevant party may provide further representations (*Para. 7(5)&(6) of Schedule 2 to the 1996 Order, as amended*)

Consultation with affected body (see para.5.39)

EA Statutory Timeframe

Within 4 weeks of service of the proposed Statement (or otherwise) and Paragraph 4(2) of Schedule 2 to the 1996 Order Notice on the relevant party (*reg.14 (14)*)

- > the EA to serve a copy of the Proposed Statement (or otherwise) and Paragraph 4(2) of Schedule 2 to the 1996 Order Notice to the Board of Governors of any school the EA is considering specifying in the Statement and consult each school (*reg.14(14)(a)*)
- > informed by relevant party representations – expressing a preference as to grant-aided school at which the relevant party wishes education to be provided.

STEP 3

Completed Statement**

EA Statutory Timeframe to serve completed Statement (see para. 5.42 - 5.44)

- > **Within 6 weeks** of service of the Proposed Statement and Paragraph 4(2) of Schedule 2 to the 1996 Order Notice (*reg 14(15)*) or
- > **Within 9 weeks** if DE exception applies
- > **Within 10 weeks** if exceptions apply to the relevant party (*reg 15(15)*) or
- > **Within 2 weeks** following the time within which any representations may be received and, if a meeting has been or is to be held, within 2 weeks following the last meeting. (*reg.*

EA issues completed Statement (or otherwise) and a Paragraph 9(2) of Schedule 2 to the 1996 Order Notice including right of appeal information (*reg 14(15)*)

** Completed Statement (or otherwise) refers to a Statement or an amended Statement issued following a period in which representations may be made under paragraph 9 (2) of Schedule 2 to the 1996 Order.

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