
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART II

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Special educational provision: general

Review of arrangements

- 6.—(1) A board shall—
- (a) determine, and keep under review, its policy in relation to special educational provision; and
 - (b) keep under review the arrangements made by it for special educational provision.
- (2) In exercising its functions under paragraph (1)(a), a board shall consult—
- (a) the Boards of Governors of grant-aided schools in its area;
 - (b) other boards;
 - (c) the Council for Catholic Maintained Schools; and
 - (d) such other persons as it thinks fit.

Qualified duty to secure education in ordinary school of child for whom board maintains statement of special educational needs

- 7.—(1) Any person exercising any functions under this Part in respect of a child—
- (a) for whom a board maintains a statement under Article 16, and
 - (b) who should be educated in a grant-aided school,
- shall secure that, if the conditions mentioned in paragraph (2) are satisfied, the child is educated in an ordinary school.
- (2) The conditions are that—
- (a) the board is not required under Schedule 2 to specify in the statement under Article 16 the name of a special school, and
 - (b) educating the child in an ordinary school is compatible with—
 - (i) his receiving the special educational provision which his learning difficulty calls for,
 - (ii) the provision of efficient education for the children with whom he will be educated, and
 - (iii) the efficient use of resources.

Duties in relation to pupils with special educational needs in ordinary schools

8.—(1) The Board of Governors of an ordinary school shall—

- (a) use its best endeavours, in exercising its functions in relation to the school, to secure that if any registered pupil has special educational needs the special educational provision which his learning difficulty calls for is made,
- (b) secure that, where a registered pupil has special educational needs, those needs are made known to all who are likely to teach him, and
- (c) secure that the teachers in the school are aware of the importance of identifying, and providing for, those registered pupils who have special educational needs.

(2) Where a child who has special educational needs is being educated in an ordinary school, those concerned with making special educational provision for the child shall secure, so far as is reasonably practicable and is compatible with—

- (a) the child receiving the special educational provision which his learning difficulty calls for,
- (b) the provision of efficient education for the children with whom he will be educated, and
- (c) the efficient use of resources,

that the child engages in the activities of the school together with children who do not have special educational needs.

(3) The annual report for an ordinary school prepared under Article 125 of the 1989 Order shall describe—

- (a) any special arrangements made for the admission of pupils to whom paragraph (4) applies;
- (b) the steps taken to prevent pupils with special educational needs from being treated less favourably than other pupils;
- (c) the facilities provided to assist access to the school by pupils with special educational needs.

(4) This paragraph applies to a pupil if—

- (a) he has special educational needs; but
- (b) no statement is maintained in respect of him under Article 16.

Determination by Boards of Governors of policy in relation to provision of education for children with special educational needs

9.—(1) The Board of Governors of a grant-aided school shall determine, and keep under review, its policy in relation to the provision of education for children with special educational needs.

(2) In exercising its functions under paragraph (1), a Board of Governors of a school shall, to the extent that it may appear necessary or desirable for the purpose of co-ordinating provision for children with special educational needs, consult with—

- (a) the board for the area in which the school is situated;
- (b) the Boards of Governors of other grant-aided schools; and
- (c) the Council for Catholic Maintained Schools (in the case of a Catholic maintained school).

(3) The policy determined by a Board of Governors under paragraph (1) shall be compatible with the statutory provisions relating to education (including, in particular, those relating to children with special educational needs).

(4) In carrying out its functions under the Education Orders in relation to a school under its management, a Board of Governors shall have regard to its policy in relation to the provision of education for children with special educational needs.

(5) The annual report for a grant-aided school prepared under Article 125 of the 1989 Order shall describe what steps have been taken by the Board of Governors to secure the implementation of its policy in relation to the provision of education for children with special educational needs.