
STATUTORY INSTRUMENTS

2005 No. 1117

**The Special Educational Needs and
Disability (Northern Ireland) Order 2005**

PART II

SPECIAL EDUCATIONAL NEEDS

Appeals

Appeal against content of statement

7.—(1) Article 18 of the 1996 Order (appeal against content of statement) is amended as follows.

(2) For paragraphs (1) and (2)—

“(1) The parent of a child for whom a board maintains a statement under Article 16 may appeal to the Tribunal—

- (a) when the statement is first made,
- (b) if an amendment is made to the statement, or
- (c) if, after conducting an assessment under Article 15, the board determines not to amend the statement.

(1A) An appeal under this Article may be against any of the following—

- (a) the description in the statement of the board’s assessment of the child’s special educational needs,
- (b) the special educational provision specified in the statement (including the name of a school so specified),
- (c) if no school is specified in the statement, that fact.

(2) Paragraph (1)(b) does not apply where the amendment is made in pursuance of—

- (a) paragraph 11 (change of named school at request of parent) or 13(4)(b) (amendment ordered by Tribunal) of Schedule 2; or
- (b) directions under paragraph 2 of Schedule 13 to the 1986 Order (revocation of school attendance order);

and paragraph (1)(c) does not apply to a determination made following the service of notice under paragraph 3 (amendment by board) of Schedule 2.”.

(3) In paragraph (4)(a) for “paragraph 3” substitute “paragraph 5”.

Unopposed appeals

8. In the 1996 Order after Article 18 insert—

“Unopposed appeals

18A.—(1) This Article applies if—

- (a) the parent of a child has appealed to the Tribunal under Article 17, 20 or 20A or paragraph 11(3) of Schedule 2 against a decision of a board, and
- (b) the board notifies the Tribunal that it has determined that it will not, or will no longer, oppose the appeal.

(2) The appeal is to be treated as having been determined in favour of the appellant.

(3) If an appeal is treated as determined in favour of the appellant as a result of paragraph (2), the Tribunal is not required to make any order.

(4) Before the end of the prescribed period, the board shall—

- (a) in the case of an appeal under Article 17, make a statement under Article 16 of the child’s educational needs,
- (b) in the case of an appeal under Article 20 or 20A, make an assessment of the child’s educational needs,
- (c) in the case of an appeal under paragraph 11(3) of Schedule 2 against a determination of the board not to comply with the parent’s request, comply with the request.

(5) A board required by paragraph (4)(a) to make a statement under Article 16 shall maintain the statement under that Article.”.