

SCHEDULES

SCHEDULE 5

MINOR AND CONSEQUENTIAL AMENDMENTS

The Education (Northern Ireland) Order 1996 (NI 1)

2. In Article 12 (provision for children with special educational needs in institutions other than grant-aided schools), after paragraph (1) insert—

“(1A) But that does not apply to a board deciding, for the purposes of Article 16(5), whether a parent has made suitable arrangements.”.

3. In Article 15(1)(a) (assessment of special educational needs), for “proposes” substitute “is considering whether”.

4.—(1) In Article 17 (appeal against decision not to make a statement), in paragraph (1), omit “, and of the effect of paragraph (2),”.

(2) After paragraph (2) of that Article insert—

“(2A) A notice under paragraph (1) shall inform the parent of the right of appeal under paragraph (2) and contain such other information as may be prescribed.

(2B) Regulations may provide that where a board is under a duty under this Article to serve any notice, the duty must be performed within the prescribed period.”.

5.—(1) In Article 20 (reviews of educational needs), in paragraph (3)(a), for the words from “notice” to “sub-paragraph (b)” substitute “notice in writing of that decision and of the reasons for making it to the parent of the child”.

(2) After paragraph (3) of that Article insert—

“(3A) A notice under paragraph (3)(a) shall inform the parent of the right of appeal under paragraph (3)(b) and contain such other information as may be prescribed.”.

6. In Article 22 (the Special Educational Needs Tribunal for Northern Ireland) for paragraph (1) substitute—

“(1) The Special Educational Needs and Disability Tribunal for Northern Ireland (referred to in this Part as “the Tribunal”) shall exercise the jurisdiction conferred on it by this Part.”.

7.—(1) Article 23 (Tribunal procedure) is amended as follows.

(2) In paragraph (2), omit sub-paragraph (d).

(3) After paragraph (2), insert—

“(2A) Proceeding before the Tribunal shall be held in private, except in prescribed circumstances.”.

(4) For paragraph (4) substitute—

“(4) Part I of the Arbitration Act 1996 shall not apply to any proceedings before the Tribunal, but regulations may make provision corresponding to any provision of that Part.”.

(5) After that paragraph, insert—

“(4A) The regulations may make provision for an appeal under this Part to be heard, in prescribed circumstances, with a claim under Chapter I of Part III of the Special Educational Needs and Disability (Northern Ireland) Order 2004.”.

8.—(1) Paragraph 3 of Schedule 1 (manner and timing of assessments under Article 15) is amended as follows.

(2) In sub-paragraph (2), for “paragraph 10” substitute “paragraph 3”.

(3) For sub-paragraphs (3) and (4) substitute—

“(3) Regulations may provide—

- (a) that where a board is under a duty under Article 15, 20 or 20A to serve any notice, the duty must be performed within the prescribed period,
- (b) that where a board has served a notice under Article 15(1) or 20A(3) on a child’s parent, it must decide within the prescribed period whether or not to make an assessment of the child’s educational needs,
- (c) that where a request has been made to a board under Article 20(1), it must decide within the prescribed period whether or not to comply with the request, and
- (d) that where a board is under a duty to make an assessment, the duty must be performed within the prescribed period.

(4) Provision made under sub-paragraph (3)—

- (a) may be subject to prescribed exceptions, and
- (b) does not relieve the board of the duty to serve a notice, or make a decision or assessment, which has not been served or made within the prescribed period.”.

9. In paragraph 4(1) of Schedule 1 (making of assessments under Article 15), for “proposes” substitute “is considering whether”.