
STATUTORY RULES OF NORTHERN IRELAND

1997 No. 327

**Education (Special Educational Needs)
Regulations (Northern Ireland) 1997**

Part II

Assessments

Notices relating to assessment

4.—(1) Where under Article 15(1) a board serves a notice on a child's parent that it proposes to make an assessment, or under Article 15(4) gives notice to a child's parent of its decision to make an assessment, it shall send copies of the relevant notice to—

- (a) the health and social services authority;
- (b) and if the child is registered at a school, the principal of that school.

(2) Where a copy of a notice is sent under paragraph (1), an endorsement on the copy or a notice accompanying that copy shall inform the recipient what advice the board is likely to seek.

(3) Where under Article 20(1) a child's parent asks the board to arrange for an assessment to be made the board shall give notice in writing to the persons referred to in paragraph (1)(a) and (b) of the fact that the request has been made and inform them what advice it is likely to seek.

Advice to be sought

5.—(1) For the purpose of making an assessment under Article 15 a board shall seek—

- (a) advice from the child's parent;
- (b) educational advice as provided for in regulation 6;
- (c) medical advice as provided for in regulation 7;
- (d) psychological advice as provided for in regulation 8;
- (e) social services advice from the health and social services authority; and
- (f) any other advice which the board considers appropriate for the purpose of arriving at a satisfactory assessment.

(2) The advice referred to in paragraph (1) shall be written advice relating to—

- (a) the educational, medical, psychological or other features of the case (according to the nature of the advice sought) which appear to be relevant to the child's educational needs (including his likely future needs);
- (b) how those features could affect the child's educational needs; and
- (c) the provision which is appropriate for the child in light of those features of the child's case, whether by way of special educational provision or non-educational provision, but not relating to any matter which is required to be specified in a statement by virtue of Article 16(4)(b).

(3) A person from whom the advice referred to in paragraph (1) is sought may in connection therewith consult such persons as it appears to him expedient to consult; and he shall consult such persons, if any, as are specified in the particular case by the board as persons who have relevant knowledge of, or information relating to, the child.

(4) When seeking the advice referred to in paragraph (1)(b) to (f) a board shall provide the person from whom it is sought with copies of—

- (a) any representations made by the parent; and
- (b) any evidence submitted by, or at the request of, the parent under Article 15(1)(d).

(5) The board need not seek the advice referred to in paragraph (1)(b), (c), (d), (e) or (f) if—

- (a) it has obtained advice under paragraph (1)(b), (c), (d), (e) or (f) respectively within the preceding 12 months; and
- (b) the board, the person from whom the advice was obtained and the child's parent are satisfied that the existing advice is sufficient for the purpose of arriving at a satisfactory assessment.

Educational advice

6.—(1) The educational advice referred to in regulation 5(1)(b) shall, subject to paragraphs (2) to (5), be sought—

- (a) from the principal of each school which the child is currently attending or which he has attended at any time within the preceding 18 months;
- (b) if advice cannot be obtained from a principal of a school which the child is currently attending (because the child is not attending a school or otherwise), from a person who the board is satisfied has experience of teaching children with special educational needs or knowledge of the differing provision which may be called for in different cases to meet those needs;
- (c) if the child is not currently attending a school and if advice obtained under subparagraph (b) is not advice from such a person, from a person responsible for educational provision for him; and
- (d) if any of the child's parents is a serving member of Her Majesty's armed forces, from Service Children's Education.

(2) The advice sought as provided in paragraph (1)(a) to (c) shall not be sought from any person who is not a qualified teacher.

(3) The advice sought from a principal as provided in paragraph (1)(a) shall, if the principal has not himself taught the child within the preceding 18 months, be advice given after consultation with a teacher who has so taught the child.

(4) The advice sought from a principal as provided in paragraph (1)(a) shall include advice relating to the steps which have been taken by the school to identify and assess the special educational needs of the child and to make provision for the purpose of meeting those needs.

(5) Where it appears to the board, in consequence of medical advice or otherwise, that the child in question is—

- (a) hearing impaired; or
- (b) visually impaired; or
- (c) both hearing impaired and visually impaired,

and any person from whom advice is sought as provided in paragraph (1) is not qualified to teach pupils who are so impaired then the advice sought shall be advice given after consultation with a person who is so qualified.

(6) For the purposes of paragraph (5) a person shall be considered to be qualified to teach pupils who are hearing impaired or visually impaired or who are both hearing impaired and visually impaired if he is qualified to be employed at a school as a teacher of a class for pupils who are so impaired otherwise than to give instruction in a craft, trade, or domestic subject.

(7) Paragraphs (3) and (5) are without prejudice to regulation 5(3).

Medical advice

7. The advice referred to in regulation 5(1)(c) shall be sought from the health and social services authority, who shall obtain the advice from a registered medical practitioner.

Psychological advice

8.—(1) The psychological advice referred to in regulation 5(1)(d) shall be sought from a person—

- (a) regularly employed by the board as an educational psychologist; or
- (b) engaged by the board as an educational psychologist in the case in question.

(2) The advice sought from a person as provided in paragraph (1) shall, if that person has reason to believe that another psychologist has relevant knowledge of, or information relating to, the child, be advice given after consultation with that other psychologist.

(3) Paragraph (2) is without prejudice to regulation 5(3).

Matters to be taken into account in making an assessment

9. When making an assessment a board shall take into consideration—

- (a) any representations made by the child's parent under Article 15(1)(d);
- (b) any written evidence submitted by, or at the request of, the child's parent under Article 15(1)(d); and
- (c) the advice obtained under regulation 5.