
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 384

The Education (Special Educational Needs)
Regulations (Northern Ireland) 2005

PART III
STATEMENTS

Restriction on disclosure of statements

22.—(1) Subject to the provisions of the 1996 Order and of these Regulations, a statement in respect of a child shall not be disclosed without the parent's consent except—

- (a) to persons to whom, in the opinion of the board concerned, the statement should be disclosed in the interests of the child;
- (b) for the purpose of any appeal under the 1996 Order;
- (c) for the purposes of educational research which, in the opinion of the board, may advance the education of children with special educational needs, if, but only if, the person engaged in that research undertakes not to publish anything contained in, or derived from, a statement otherwise than in a form which does not identify any individual concerned including, in particular, the child concerned or his parent;
- (d) on the orders of any court or for the purposes of any criminal proceedings;
- (e) for the purposes of any investigation under the Commissioner for Complaints (Northern Ireland) Order 1996(1);
- (f) to the Department when it requests such disclosure for the purpose of deciding whether to give directions or make an order under Article 101 of the 1986 Order(2);
- (g) for the purposes of an assessment of the needs of the child with respect to the provisions of any statutory services for him being carried out by officers of a health and social services authority by virtue of arrangements made under section 5(5) of the Disabled Persons (Northern Ireland) Act 1989(3);
- (h) for the purposes of a health and social services authority in the performance of its duties under Article 26(1)(a), 174(6), 175(3), 176(2), or 177(5) of the Children (Northern Ireland) Order 1995(4); or
- (i) to an inspector, pursuant to Article 102 of the 1986 Order(5).

(2) The arrangement for keeping such statements shall be such as to ensure, so far as is reasonably practicable, that unauthorised persons do not have access to them.

(1) S.I.1996/1297 (N.I. 7)

(2) As substituted by S.I. 1989/2406 (N.I. 20) Article 158

(3) 1989 c. 10 as amended by Article 7 of and Schedule 1 to the Health and Social Services (Northern Ireland) Order 1994 S.I. 1994/429 (N.I. 2)

(4) S.I. 1995/755 (N.I. 2)

(5) Article 102 was substituted by S.I. 1996/274 (N.I. 1) Article 33

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(3) In this regulation any reference to a statement includes a reference to any representations, evidence, advice or information which is set out in the appendices to a statement.