



2016 CHAPTER 8

Duties of the Education Authority and Boards of Governors

Duties of Boards of Governors in relation to pupils with special educational needs

3.—(1) Part 2 of the 1996 Order is amended as follows.

(2) In Article 8(1) (duties in relation to pupils with special educational needs in ordinary schools)—

- (a) in sub-paragraph (b) for the words “teach him” substitute “be concerned with the pupil’s education” and omit the word “and” at the end of the sub-paragraph;
- (b) in sub-paragraph (c) for the words from “are aware” to “providing” substitute “take all reasonable steps to identify and provide”;
- (c) after sub-paragraph (c) insert—
 - “(d) prepare and keep under review a programme of special educational provision (a “personal learning plan”) in respect of each registered pupil at the school who has special educational needs,
 - (e) designate a teacher on the staff of the school (the “learning support co-ordinator”) as having responsibility for co-ordinating the provision of education for those pupils attending the school who have special educational needs, and
 - (f) secure that—
 - (i) parents of registered pupils at the school who are of compulsory school age and have or may have special educational needs,

(ii) children over compulsory school age who are registered pupils at the school and have or may have special educational needs,

are informed of the arrangements made under Article 21B which relate to disagreements between the Board of Governors and those persons.”.

(3) In Article 8 after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) the Board of Governors of a grant-aided school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and
- (b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).

(1B) The Board of Governors of school A shall—

- (a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil’s parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and
- (b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.

(1C) Nothing in paragraph (1A) or (1B) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(d) or (as the case may be) under Article 8ZA(1)(a).”.

(4) In Article 8 after paragraph (2) insert—

“(2A) Regulations may—

- (a) require the Board of Governors of an ordinary school to notify the Authority, in the prescribed manner, of any changes of a prescribed kind affecting a child attending the school for whom the Authority is making special educational provision;
- (b) require the Board of Governors of such a school to ensure that a learning support co-ordinator has prescribed qualifications or prescribed experience (or both); and
- (c) confer on the Board of Governors of such a school other functions relating to learning support co-ordinators.”.

(5) After Article 8 insert—

“8ZA Duties in relation to pupils in special schools

(1) The Board of Governors of a special school shall—

- (a) prepare and keep under review a programme of special educational provision (a “personal learning plan”) in respect of each registered pupil at the school, and
 - (b) designate a teacher on the staff of the school (the “learning support co-ordinator”) as having responsibility for co-ordinating the provision of education for those pupils attending the school.
- (2) Regulations may—
 - (a) require the Board of Governors of a special school to ensure that a learning support co-ordinator has prescribed qualifications or prescribed experience (or both); and
 - (b) confer on the Board of Governors of such a school other functions relating to learning support co-ordinators.
- (3) Paragraph (4) applies where—
 - (a) the Board of Governors of a special school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and
 - (b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).
- (4) The Board of Governors of school A shall—
 - (a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil’s parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and
 - (b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.
- (5) Nothing in paragraph (3) or (4) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(a) or (as the case may be) under Article 8(1)(d).”.