
STATUTORY INSTRUMENTS

1996 No. 274

The Education (Northern Ireland) Order 1996

PART II

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

Identification and assessment of children with special educational needs

Appeal against contents of statement

18.—(1) The parent of a child for whom a board maintains a statement under Article 16 may—

- (a) when the statement is first made,
- (b) where the description in the statement of the board's assessment of the child's special educational needs, or the special educational provision specified in the statement, is amended, or
- (c) where, after conducting an assessment of the educational needs of the child under Article 15, the board determines not to amend the statement,

appeal to the Tribunal against the description in the statement of the board's assessment of the child's special educational needs, the special educational provision indicated in the statement or, if no school is named in the statement, that fact.

(2) Paragraph (1)(b) does not apply where the amendment is made in pursuance of paragraph 8 or 11(3)(b) of Schedule 2 or directions under paragraph 2 of Schedule 13 to the 1986 Order; and paragraph (1)(c) does not apply to a determination made following the service of notice under paragraph 10 of Schedule 2 of a proposal to amend the statement.

(3) On an appeal under this Article, the Tribunal may—

- (a) dismiss the appeal,
- (b) order the board to amend the statement, so far as it describes the board's assessment of the child's special educational needs or specifies the special educational provision, and make such other consequential amendments to the statement as the Tribunal thinks fit, or
- (c) order the board to cease to maintain the statement.

(4) On an appeal under this Article the Tribunal shall not order the board to specify the name of any school in the statement (either in substitution for an existing name or in a case where no school is named) unless—

- (a) the parent has expressed a preference for the school in pursuance of arrangements under paragraph 3 of Schedule 2, or
- (b) in the proceedings the parent, the board or both have proposed the school.

(5) Before determining any appeal under this Article the Tribunal may, with the agreement of the parties, correct any deficiency in the statement.