

SPECIAL EDUCATIONAL NEEDS AND DISABILITY (NORTHERN IRELAND) ORDER 2005

S.I. 2005 1117

EXPLANATORY MEMORANDUM

MAIN ELEMENTS OF THE ORDER

Part II: Special Educational Needs

7. Part II of the Order makes changes to the existing legislation, in the Education (Northern Ireland) Order 1996 for children with SEN. In summary, Part II:
 - Strengthens the rights of children with SEN to be educated in ordinary schools where parents want this and the interests of other children can be protected;
 - Requires Education and Library Boards (Boards) to make arrangements for services to provide parents of children with SEN with advice and information, and a means of resolving disputes with schools and Boards;
 - Requires Boards to comply, within prescribed periods, with orders of the Special Educational Needs Tribunal for Northern Ireland (SENT) and makes other technical changes in support of the SENT appeals process and the statementing process; and
 - Requires schools to inform parents where they are making special educational provision for their child and allow schools to request a statutory assessment of a pupil's SEN.
8. The SENT, by virtue of the amendments made in Part III of this Order, becomes the Special Educational Needs and Disability Tribunal for Northern Ireland (SENDIST).

Chapter I of Part III: Schools.

9. This Chapter places new duties on Boards and schools (including independent schools) in Northern Ireland. The new duties are explained in the commentary on Articles 13 - 26. What follows is an overview of the new provisions:
 - A duty not to treat pupils who have a disability less favourably, without justification, for a reason which relates to their disability;
 - A duty to make reasonable adjustments so that pupils who have a disability are not put at a substantial disadvantage compared to pupils who do not have a disability; and
 - A duty to plan and make progress in increasing accessibility to schools' premises and the curriculum, and in improving ways in which information provided in writing to pupils who do not have a disability is provided to pupils who have a disability.

Chapter II of Part III: Further & Higher Education

10. This Chapter places new duties on further education and higher education institutions. The new duties are explained in the commentary on Articles 27 - 33. What follows is an overview of these new provisions:
 - A duty not to treat students with disabilities less favourably, without justification, for a reason which relates to their disability; and

*This Explanatory Memorandum refers to the Special Educational
Needs and Disability (Northern Ireland) Order 20051117*

- A duty to make reasonable adjustments to ensure that people who have disabilities are not put at a substantial disadvantage compared to people who do not have a disability in accessing further and higher education.

Chapter III of Part III: General Qualifications Bodies

11. This Chapter makes it unlawful for general qualification bodies to discriminate against disabled persons in relation to the award of prescribed qualifications.

Chapter IV of Part III: Miscellaneous

12. The powers of the Equality Commission will be extended in relation to the provisions made under this Order.