
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 384

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

PART IV

COMPLIANCE WITH TRIBUNAL ORDERS

Compliance with Tribunal orders

23.—(1) Subject to paragraph (4), if the Tribunal, following an appeal to it by a parent, makes an order requiring a board to perform an action referred to in paragraph (2) the board shall perform that action within the period specified in that paragraph.

(2) In the case of an order—

- (a) to make an assessment, the board shall notify the child's parent within 4 weeks that it will make an assessment under Article 15(4) or 20A(7) as the case may be;
- (b) to make and maintain a statement under Article 16, the board shall make a statement within 5 weeks;
- (c) remitting a case back to the board under Article 17(3)(c) the board shall take the action referred to in regulation 15(1)(a) or (b) within 2 weeks;
- (d) to amend a statement, the board shall serve an amendment notice on the child's parent under paragraph 3 of Schedule 2 to the 1996 Order within 5 weeks;
- (e) to continue to maintain a statement, the board shall continue to maintain the statement with immediate effect;
- (f) to continue to maintain and to amend a statement, the board shall continue to maintain the statement with immediate effect and shall serve an amendment notice on the child's parent under paragraph 3 of Schedule 2 to the 1996 Order within 5 weeks;
- (g) to substitute the name of the school or other institution specified in a child's statement with the name of a school specified by a parent, the board shall specify the school specified by the parent within 2 weeks unless the school is closed to pupils and in those circumstances within 2 weeks of the school next reopening;
- (h) dismissing an appeal against a determination to cease to maintain a statement, the board shall cease to maintain that statement immediately or on a date proposed by the board, whichever is the later.

(3) In each case the period shall begin on the day after the issue of the order in question.

(4) The board need not comply with the time limits referred to in paragraph (2) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the child or his parent during the relevant time period;

- (b) the child or his parent is absent from the board's area for a continuous period of not less than 2 weeks during the relevant time period;
- (c) the child's parent indicates that he wishes to make representations to the board about the content of the statement under paragraph 7(1) of Schedule 2 to the 1996 Order after the expiry of the 15-day period for making such representations provided for in paragraph 7(4) of that Schedule;
- (d) a meeting between the child's parent and an officer of the board has been held pursuant to paragraph 7(4) of Schedule 2 to the 1996 Order and the child's parent under paragraph 7(2) of that Schedule either required that another such meeting be arranged or has required that a meeting with the appropriate person (as defined in paragraph 7(3) of that Schedule) be arranged; or
- (e) the board has sent a written request to the Department seeking its consent under Article 12 to the child being educated at an institution in Northern Ireland other than a grant aided school and that institution is not approved by it under Article 26 and such consent has not been received by the board within 3 weeks beginning with the date on which the request was sent.

Compliance with parents' requests when a board concedes an appeal to the Tribunal

24.—(1) Subject to paragraph (3) if, under Article 18A, an appeal to the Tribunal is treated as having been determined in favour of the parent making the appeal, the board shall—

- (a) in the case of an appeal under Article 17, make a statement within 5 weeks;
- (b) in the case of an appeal under Article 20 or 20A the board shall make an assessment within 4 weeks, and
- (c) in the case of an appeal under paragraph 11(3) of Schedule 2 to the 1996 Order against a determination not to comply with the parent's request to substitute the name of a grant-aided school for the name of a school or institution specified in the statement, comply with that request within 2 weeks.

(2) In each case the period shall begin on the day after the board notifies the Tribunal that they have determined that they will not, or no longer, oppose the appeal.

(3) The board need not comply with the time limits referred to in paragraph (1) if it is impractical to do so because—

- (a) exceptional personal circumstances affect the child or his parent during the relevant time period;
- (b) the child or his parent is absent from the board's area for a continuous period of not less than 2 weeks during the relevant time period;
- (c) the child's parent indicates that he wishes to make representations to the board about the content of the statement under paragraph 7(1) of Schedule 2 after the expiry of the 15 day period for making such representations provided for in 7(4) of that Schedule;
- (d) a meeting between the child's parent and an officer of the board has been held pursuant to paragraph 7(1) of Schedule 2 to the 1996 Order and the child's parent under paragraph 7(2) of that Schedule either required that another such meeting be arranged or has required that a meeting with the appropriate person (as defined in paragraph 7(3) of that Schedule) to be arranged; or
- (e) the board has sent a written request to the Department seeking its consent under Article 12 to the child being educated at an institution in Northern Ireland other than a grant aided school and that institution is not approved under Article 26 and such consent has not been received by the board within 3 weeks beginning with the day on which the request was sent.