

Truly Equal, Valuably Different

Special Educational Needs

REFORM AGENDA – DELIVERY PLAN 2025-2030

Delivering on the Executive's priority:

*“Better Support for Children and Young People
with Special Educational Needs”*

DEPARTMENT OF EDUCATION

SPECIAL EDUCATIONAL NEEDS (SEN)
PROVISION IN NORTHERN IRELAND

Policy Statement

August 2025



Ministerial Foreword

by the Education Minister

As Minister of Education, I am proud to introduce this Policy Statement on Special Educational Needs (SEN), a vital step in delivering on our collective promise to every child and young person in Northern Ireland – especially those who need additional support to thrive.

In every corner of our education system, we see the extraordinary potential of children with SEN. They bring unique talents, perspectives and strengths that enrich our schools, communities and future. It is our duty – both moral and legal – to ensure that they receive the right support, from the right people, at the right time and in the right place.

This Policy Statement builds upon the extensive work undertaken through the End to End (E2E) Review and the wider SEN Reform Agenda. For the first time, it clearly articulates the Department of Education's (DE) position on SEN policy. It sets out how we are embedding our

commitments into the structures, legislation and daily practices of our education system, while aligning fully with the Children and Young People's Strategy, the Programme for Government (PfG) and our vision for a more inclusive and compassionate Northern Ireland.

The facts are clear: nearly one in five pupils in Northern Ireland is identified as having a SEN. The number of children requiring statutory support has grown significantly and with that comes a responsibility to ensure our services, our staff and our systems are equipped and empowered to respond effectively.

This Policy Statement is not about creating something new. It is about ensuring that the existing framework, grounded in legislation, supported by the Code of Practice (CoP) (and its Supplement) and implemented across the education and health systems, works more effectively and more consistently for every child and family.

We are placing children and young people at the centre of this work. Their voices matter and their rights matter. We are committed to working in partnership with families, educators, health professionals and the wider community to ensure that every child with SEN can access an education that is inclusive, ambitious and tailored to their individual needs.

I want to thank all those within and beyond government who have contributed to the development of this Policy Statement. It reflects our shared commitment to inclusion, equity and excellence.

Together, we can ensure that every child in Northern Ireland benefits from an excellent education where they are supported to thrive and to be the best that they can be.

Paul Givan
Minister of Education

August 2025

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1.

Introduction

One of the key areas for action identified through the course of the End to End (E2E) Review of Special Educational Needs (SEN), which was concluded by the Department of Education (DE) in October 2024, was the need to provide clarity on SEN legislation and the associated policy and implementation.

The publication and application of a SEN Policy Statement is one of the commitments made in the SEN Reform Agenda and Delivery Plan published in February 2025.

The 'SEN' world is complex, with many component inter-dependent parts and can be difficult to navigate.

The Department of Education (the Department) has not previously articulated its policy for children and young people with SEN/Disability (SEN/D), rather the Department has sought to rely on the legislation and the accompanying Code of Practice (the Identification and Assessment of Special Educational Needs (1998), including its Supplement (2005)). This SEN Policy Statement seeks to provide clarity on the Department's SEN policy position, the legislation that underpins it and to provide an overview of the key players and their relative responsibilities.

This document does not signify a new policy direction but rather sets out clearly the existing SEN policy position.

This Policy Statement should be read in conjunction with the SEN Reform Agenda and five-year Delivery Plan published in February 2025¹.

¹ [SEN Reform Agenda | Department of Education](#)

2.

Context for the Special Educational Needs (SEN) Policy Statement

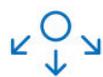
Strategic Context

Supporting children and young people with SEN is a priority for the Department and for the wider Northern Ireland Executive.

Providing '**Better Support for Children and Young People with Special Educational Needs**' is at the heart of the Northern Ireland Executive's priorities, included as one of the nine priorities in the **Programme for Government 2024-2027 (PfG)**² aimed at improving the wellbeing of everyone living here.



Better Support for Children and Young People with Special Educational Needs



Our Proposed Action:

We will work to transform the Education system to provide high-quality, efficient and sustainable services for children with SEN and disability. Systemic transformation will take time and will require significant investment but it is vital that we respond meaningfully to make sure our education system works for all learners.

The **Northern Ireland Executive's Children and Young People's Strategy 2020–2030**³, underpinned by the **Children's Services Co-operation Act (Northern Ireland) 2015**⁴, sets out key objectives to improve the overall well-being of children in key areas such as physical and mental health, learning and achieving and living in a society which respects their rights. Children and young people with SEN are identified within the Strategy as a group that requires particular focus.

The Department has also set out its vision for all children and young people within the DE Corporate Plan 2023/28⁵ - ***Every CHILD 'is happy, learning and succeeding'***.

This aspiration is no different for children and young people who have/or may have SEN⁶ or for those children within our education system who have a disability⁷.

In the **TransformED NI**⁸ Strategy for Educational Excellence in Northern Ireland (March 2025), the Minister of Education sets out his vision for '*an education system which is truly life transforming, which breaks down barriers and narrows inequalities, allowing every young person to achieve their full potential and in which every child has the chance to make the most of their abilities and become the best version of themselves.*' This of course includes children and young people who require additional support to thrive and learn.

Special Educational Needs (SEN) Reform

The SEN Reform Agenda and five-year Delivery Plan were published in February 2025 and set out the actions necessary to reform the system and to deliver on the Northern Ireland Executive's priority for 'Better Support for children and young people with SEN'. Children and young people, their families and the workforce that supports them are at the centre of the proposals for reform.

One of the enabling actions within the SEN Reform Delivery Plan is the publication and application of a SEN Policy Statement.

The actions within the Delivery Plan have been developed under four themes: **Right Support, Right People, Right Time and Right Place**. This SEN Policy Statement follows the same structure.

3 [Children and Young People's Strategy 2020-2030 | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/children-and-young-peoples-strategy-2020-2030)

4 [Children's Services Co-operation Act \(Northern Ireland\) 2015](https://www.education-ni.gov.uk/childrens-services-co-operation-act-northern-ireland-2015)

5 [Every CHILD DE Corporate Plan 2023-28 | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/every-child-de-corporate-plan-2023-28)

6 Special Educational Needs (SEN) as defined within [The Education \(Northern Ireland\) Order 1996](https://www.education-ni.gov.uk/the-education-northern-ireland-order-1996)

7 Disability as defined within the [Disability Discrimination Act 1995](https://www.education-ni.gov.uk/disability-discrimination-act-1995)

8 [TransformED NI layout.pdf](https://www.education-ni.gov.uk/transformed-ni-layout-pdf)

Current Context

It is clear that the profile of our children and young people has changed over recent years, illustrated in the key facts below. This rise in number and changing profile of children with SEN is consistent with trends across the United Kingdom, Republic of Ireland and globally.

Key Facts In Relation To Special Educational Needs (SEN) – 2024/25⁹

Key Fact 1: **70,232** pupils are registered as having a SEN 2024/25, representing 19.8% of the whole school population.

Key Fact 2: **29,499** children have a statutory statement of SEN, 8.3% of the whole school population. Since 2014/15, the number of children with a statement of SEN has risen by 85% (from 15,978).

Key Fact 3: In 2024/25, 82.9% (n.58,211) of pupils with a special educational need were educated in a mainstream class in a mainstream school; 6.5% (n4,559) in specialist provision in mainstream schools; and 10.6% (n7,462) in special schools.

Key Fact 4: The number of children in special schools has increased by 47% since 2014/15, from 5,064 to 7,462. The number of children in specialist provision has increased by 169% since 2014/15, from 1,693 to 4,559. Taken together, the number of children in special education provision has increased by 78% in the last ten years.

Key Fact 5: The Education Authority expenditure on SEN support and provision in 2024/25 was £671m, an increase of 164% since the 2017/18 expenditure of £254m.

3.

What are Special Educational Needs (SEN)?

It may be useful to first articulate what we mean by SEN. The definitions below are set out within **Article 3 of The Education (Northern Ireland) Order 1996**¹⁰.

A Special Educational Need (SEN) is a 'learning difficulty which calls for special educational provision to be made'.

What is a Learning difficulty? A child or young person has a learning difficulty if they have a significantly greater difficulty in learning than the majority of children of their age and/ or has a disability which either prevents or hinders them from making use of educational facilities generally provided for children of their age in mainstream schools.

What is Special Educational Provision? Educational provision, which is additional to or otherwise different from the educational provision made generally for children or young people of the same age in mainstream schools.

A child's SEN must be recorded by the school on the SEN register under a range of SEN categories, which can be found at Annex A. A child may have a medical need and this must be captured on the school's medical register. Where a child has both a SEN and a medical need, this must be recorded on both registers.

The number of children on the SEN and medical registers are captured on the school census which is carried out in October of every year and is a count of all pupils attending schools in Northern Ireland. The school census gathers details on, for example, pupil gender, year group, religion, ethnicity, SEN, etc. The census is conducted by the Northern Ireland Statistics and Research Agency (NISRA).

¹⁰ <https://www.legislation.gov.uk/nisi/1996/274/article/3>

4.

What is a Statement of Special Educational Needs (SEN)?

Following assessment of a child's educational needs (known as **statutory assessment**), the Education Authority (EA) may decide it is necessary to set out the special educational provision to meet the child's needs in a Statement of SEN.

Article 16 of The Education (Northern Ireland) Order 1996 provides the legislative basis for a **Statement of SEN**.

A **Statement of SEN** sets out the child or young person's SEN, describes the provision and supports to help meet those needs and the educational setting they should attend.

The EA will make and maintain a Statement of SEN where, following assessment, it is necessary to specify the special educational provision required to meet the child's needs.

Special educational provision is additional to or otherwise different from the educational provision made generally for children or young people of the same age in mainstream schools.

The Statement of SEN is reviewed every year to ensure the provision made continues to meet the child or young person's needs.

A child's Statement of SEN will include:

- **SEN:** The EA's assessment of the child's SEN, in terms of the child's learning difficulties which call for special educational provision.
- **Educational Provision (Other Than Placement):** details of the special educational provision and/or health provision which the EA considers appropriate to meet the child/young person's need(s).
- **Placement:** the type of school the EA considers most appropriate; and the name of the school which the parent(s) prefer(s).

- **Non-Educational Needs:** any non-educational needs which the EA considers appropriate.
- **Non-Educational Provision:** any non-educational provision to be made, eg Health provision.

The EA must arrange for the special educational provision specified in the Statement of SEN to be made and may arrange for the non-educational provision to be made. Where a school is named in the Statement, that school must admit that child to the school.

The school will continue to have lead responsibility in providing support for the child or young person. This may be supplemented by input from EA SEN Services and/or the Health and Social Care (HSC) Trust where relevant, as well as specific provisions which may be funded by the EA.

Referral Routes for Statutory Assessment

A request to the EA for consideration of a statutory assessment of educational needs may be made by: a school; the educational psychology service; a health professional; or the parent/carer of a child or young person.

A request for statutory assessment must include evidence of the child's needs and in the case of a school, details of support provided to date.

5.

Legislation and Code of Practice

SEN policy is grounded in legislation.

The current legislation¹¹ and Code of Practice for the Identification of SEN (1998)¹² and the Supplement to the Code of Practice (2005)¹³ set out the responsibilities of the agencies that have a statutory duty to make provisions for children and young people who have or may have SEN/D¹⁴. This publication sets out some of those key duties, the continuum of support expected and the continuum of provision across the education system.

While it is important to consider all education legislation as it pertains to children, young people and the delivery of education, this Policy Statement is underpinned by:

Primary Legislation

- The Education and Libraries (Northern Ireland) Order 1986¹⁵
- The Education (Northern Ireland) Order 1996¹⁶
- The Special Educational Needs and Disability (Northern Ireland) Order 2005 (SENDI)¹⁷
- Parts of the Special Educational Needs and Disability Act (Northern Ireland) 2016¹⁸
– note this legislation is not fully commenced – only sections 1, 6, 15, 16, 18 and 19 have been commenced.

Article 46 of the Education and Libraries (Northern Ireland) Order 1986 defines compulsory school age which means any age between 4 and 16. In some deferred cases, the upper age may be 17 years.

11 [Special educational needs: legislation | Department of Education \(education-ni.gov.uk\)](#)

12 [Special educational needs: code of practice | Department of Education \(education-ni.gov.uk\)](#)

13 [Supplement](#)

14 References to SEN include children who have or may have a disability.

15 [The Education and Libraries \(Northern Ireland\) Order 1986](#)

16 [The Education \(Northern Ireland\) Order 1996](#)

17 [The Education \(Northern Ireland\) Order 1996](#)

18 [Special Educational Needs and Disability Act \(Northern Ireland\) 2016](#)

Young people with a statement of SEN, however, are entitled to remain in school until the end of the school year following their 19th birthday (Article 3(7) and (8) of the 1996 Order).

Subordinate Legislation

- The Education (Special Educational Needs) Regulations (Northern Ireland) 2005 (the SEN Regulations 2005)¹⁹; and
- The Special Educational Needs and Disability Tribunal Regulations (Northern Ireland) 2005²⁰.

Code of Practice on the Identification and Assessment of Special Educational Needs (1998)²¹

The Department has provided statutory guidance for the EA and schools in the form of a Code of Practice (1998) and a Supplement²², effective from 1 September 2005 (produced as a result of SENDO). Schools, the EA and local HSC Trusts **must** have regard to the advice given in the Code of Practice when discharging their respective functions in respect of children and young people with SEN and disabilities.

- The [Code of Practice for the Identification and Assessment of Special Educational Needs \(1998\)](#) (CoP) sets out how the identification, assessment and provision of support is made for all children who have or may have SEN at some time in their school careers, or even earlier, under five stages.
- The [Supplement to the Code of Practice \(September 2005\)](#) provides detailed information on the amendments to the 1996 Order following SENDO, including disability discrimination in education. The Supplement also sets out the Department's policy on, and key principles of, the inclusion of children with SEN in mainstream schools and provides guidance on resolution of disputes between parents and the EA and schools regarding SEN provision.

The Code of Practice sets out a number of underpinning principles –

- the needs of all pupils who may experience learning difficulties during their school careers must be addressed; the Code recognises that there is a continuum of need and a continuum of provision which may be made in a variety of forms;
- children with SEN require the greatest possible access to a broad and balanced education, including the Northern Ireland Curriculum;
- the needs of most pupils will be met in mainstream schools and without a statutory

19 [The Education \(Special Educational Needs\) Regulations \(Northern Ireland\) 2005](#)

20 [Special Educational Needs and Disability Tribunal Regulations \(Northern Ireland\) 2005](#)

21 [Code of practice on the identification and assessment of special educational needs | Department of Education](#)

22 [Code of practice on the identification and assessment of special educational needs | Department of Education](#)

assessment or a resulting Statement of SEN. Children with SEN, including those with Statements, should, wherever appropriate and taking into account the wishes of their parents, be educated alongside their peers in mainstream schools;

- even before a child reaches compulsory school age, he or she may have SEN requiring the intervention of the EA as well as health services;
- the knowledge, views and experience of parents are vital. Effective assessment and provision will best be secured where there is partnership between parents and schools, the EA and other relevant parties.

Essential Practices and Procedures

The essential practices and procedures which the Code embodies are that:

- children with SEN should be identified as early as possible and assessed as quickly as is consistent with thoroughness;
- provision for children with SEN should be made by the most appropriate agency. In most cases, this will be the child's mainstream school, working in partnership with parents and no statutory assessment will be necessary;
- the EA should complete assessments and Statements as quickly as thorough consideration of the issues allows;
- the EA must produce clear and thorough Statements of SEN, setting out the child's educational and non-educational needs, the objectives to be secured, the educational provision to be made and the arrangements for monitoring and review of the Statement; they must ensure the annual review of the special educational provision made for the child and the monitoring and revision of educational targets;
- the ascertainable wishes of the child should be considered, in the light of his or her age and understanding;
- there must be close co-operation between all the relevant parties concerned and a multi-disciplinary approach to the resolution of issues.

6.

Roles and Responsibilities

This section seeks to provide clarity on the various parties involved in supporting children and young people with SEN and their roles and responsibilities.

Department of Education (the Department)

The Department's role is primarily one of policy development, including setting the overall framework for SEN/D and ensuring that its arms lengths bodies (ALBs) which are tasked to support aspects of SEN/D provision are delivering on their statutory duties. The Department also allocates funding to the EA and other ALBs to support delivery of SEN/D provision and has a responsibility to provide oversight of the system which it funds to ensure that it is meeting the needs of and improving outcomes for all children, young people and their families.

The Department has a statutory duty (Article 4 of the 1996 Order) to provide guidance to the EA and Boards of Governors (BoGs) of schools on the discharge of their functions in relation to children with SEN. **The current guidance is the Code of Practice (1998) and Supplement to that Code of Practice (2005).**

Education Authority (EA)

The EA has the statutory responsibility for the delivery of primary and secondary education services across Northern Ireland. It is responsible for identifying, assessing and securing special educational provision for school aged pupils with SEN where needed. Most of the duties as set out in the legislation are placed on the EA given its operational role.

The EA has a statutory duty to arrange special educational provision as indicated in a child's Statement of SEN.

The EA is responsible for ensuring sufficient special educational provision across the continuum of education provision to meet the needs of children with SEN, including within special schools; specialist provision in mainstream schools; and mainstream schools.

The EA must make arrangements for the avoidance and resolution of any disputes which arise between the EA and schools/BoGs and parents. This function is carried out by Global

Mediation on behalf of the EA's Dispute Avoidance and Resolution Service (DARS)²³.

The EA has overall planning authority for primary and post-primary schools for all sectors, including special schools, and operational responsibility for planning efficient and sufficient schools to meet the needs of all pupils (the 1986 Order).

Schools and Boards of Governors (BoGs)

It is the duty of a school to use their 'best endeavours' to make provision for a child or young person with SEN/D to be educated within their school environment and ensure all those teaching the child are aware of their needs and the importance of meeting each individual child's needs. The BoG of every grant-aided school **must** set out a clear and concise policy in relation to the supports that the school has in place for children and young people with SEN, have regard to that SEN policy in exercising its functions and report annually to parents on what steps have been taken by the BoG to secure the implementation of its policy in relation to the provision of education for children with SEN/D.

The principal of the school will have oversight of the day-to-day implementation of the school's SEN policy, overseeing the work of the SEN Co-Ordinator (SENCo) and keeping Governors informed.

The principal may request a statutory assessment for a child in their school, providing evidence of the child's needs and support provided by the school and external agencies.

The class teacher has responsibility for collecting and recording information and making an initial assessment of a child's SEN, ensuring provision of support within the Curriculum Framework to meet the child's needs, including differentiation, alternative teaching and learning strategies, re-organisation of the classroom and monitoring and reviewing the child's progress.

Special Educational Needs Co-Ordinator (SENCo)

The SENCo, working closely with other teachers in the school, has responsibility for the day-to-day operation of the school's SEN policy, for co-ordinating SEN provision, including maintenance of the SEN register, advising teachers and drawing up individual education plans (IEP)/personal learning plans (PLP), ensuring the SEN training needs of staff are met and liaising with parents and external agencies.

²³ [Dispute Avoidance and Resolution Service \(DARS\) | Education Authority Northern Ireland](#)

Department of Health (DoH), Public Health Agency (PHA) and Local Health & Social Care (HSC) Trusts

HSC Trusts have statutory duties to support the identification, assessment and provision of services for children and young people with SEN/D (Article 14 of the 1996 Order).

Where a child's needs have been identified prior to the child enrolling in the education system, the appropriate HSC Trust has a duty to inform the child's parent/carer and also to bring this to the attention of the EA. It is important that Education and the HSC Trust work together to ensure that the needs of children with SEN and disabilities are identified, anticipated and planned for at the earliest opportunity so that there is no delay to their support when they reach nursery/compulsory school age.

Requests for statutory assessment of a child's educational needs may be made by a paediatrician or Allied Health Professional (AHP).

Parents/Carers

The knowledge, views and experience of parents are vital. Effective assessment and special education provision required will best be secured where there is partnership between parents and schools, the EA and other relevant agencies (one of the principles of the SEN Code of Practice).

Parents' representations and evidence of their child's needs form a key part of the statutory assessment and review process.

Parents may request a statutory assessment of their child's educational needs via the [EA portal](#)²⁴. Parents will be required to provide evidence to support their request for a statutory assessment.

In relation to the naming of a school in a child's statement, when the Proposed Statement issues, parents will be invited to express a preference for the school they wish their child to attend. The EA must name that school in the statement unless: the school is unsuitable for the child's age, ability or aptitude or to his SEN; or the child's attendance at the school would be incompatible with the provision of efficient education for the other children in the school; or the child's attendance at the school would be incompatible with efficient use of resources. The EA should consider carefully any parental preference for a school with a particular ethos.

A parent has the right to request a change to the school named in their child's statement, as long as this is at least 12 months after a previous request, finalisation of their statement or conclusion of any appeal to the SEN and Disability Tribunal (SENDIST) and subject to same conditions as naming of a school following receipt of the Proposed Statement set out in the paragraph above.

²⁴ [Request for Statutory Assessment | Statutory Assessment](#)

Parents have a right to appeal to the SENDIST certain decisions by the EA – set out below under SENDIST.

Child/Young Person

The EA **must** have regard to the views of the child and ensure they receive the relevant information and support to enable them to participate in decisions about their special education provision (Article 5A of the 1996 Order; section 1 of the SEND (NI) Act 2016). The child/young person is invited to provide their views as part of the statutory assessment and annual review of the Statement of SEN processes.

The EA has produced a helpful guide: [Seeking the Views of the Child: a resource for schools and services](#).

Special Educational Needs and Disability Tribunal (SENDIST)

SENDIST is an independent tribunal which considers parents' appeals against certain decisions of the EA about children's SEN, where the EA cannot reach agreement with the parents, including on the following matters:-

- i. decisions by the EA not to make a Statement of SEN for their child;
- ii. the specialist educational provision specified in the Statement of SEN;
- iii. the EA's description in the Statement of the child's SEN;
- iv. the EA's decision to cease to maintain a Statement of SEN; or
- v. failure to amend a Statement of SEN.

The SENDIST also deals with claims of disability discrimination against schools and/or the EA in relation to the treatment of and reasonable adjustments for disabled children and young people.

7.

Overall Policy Position for Special Educational Needs (SEN)

Our policy aim is that:

Policy Aim:

Children and Young People with Special Educational Needs (SEN) benefit from greater inclusion and receive the Right Support, from the Right People, at the Right Time and in the Right Place.

This overarching policy aim is supported by the following policy objectives. More detail on what these mean and how they link with legislation is provided in the following sections:

Policy Objectives:



Right Support

- Schools can meet the needs of pupils with SEN and teachers and support staff are supported to implement child-centred, effective, evidence-based interventions.
- Children and schools have timely access to expert specialist support services.
- Children and young people are involved in decisions about their support.



Right People

- All teachers are teachers of SEN; we have a highly skilled education workforce, equipped and empowered to build supportive learning environments for pupils with SEN.
- Health and Education work together to ensure children who need it can access appropriate support from Health Professionals when needed, regardless of their education setting.
- Parents are partners in their child's educational journey; they should be informed and supported to enable them to fulfil this role.



Right Time

- Early intervention is key; special educational needs are identified and responded to effectively at the earliest opportunity.
- Education and Health professionals work together to ensure timely access to child-centred effective intervention.
- Children and young people with SEN are supported effectively at key transition stages – as they enter and leave the education system and move between key stages within the education system.



Right Place

- Most children with SEN are educated in a mainstream school environment.
- All children receive a timely education placement, in a learning environment which is appropriate to their needs and within their local community, as far as possible.
- Learning environments are inclusive and welcoming to all children with SEN.

8.

The Right Support

Policy Objectives

- Schools can meet the needs of pupils with SEN, and teachers and support staff are supported to implement child-centred, effective, evidence-based interventions.
- Children and schools have timely access to expert specialist support services.
- Children and young people are involved in decisions about their support.

What the Law Says

The 1996 Order sets out the duties of schools and the EA to identify and provide for pupils with SEN in order to meet their needs.

Schools and BoGs have a statutory duty to:

- Use their best endeavours to make special education provision to meet the learning difficulties of pupils with SEN;
- Ensure teachers are aware of a child's SEN and aware of the importance of identifying and making provision for children with SEN;
- Ensure provision of efficient education to pupils educated with pupils with SEN;
- Ensure efficient use of resources;
- Ensure that children with SEN are engaged in the activities of the school together with children who do not have SEN;
- Maintain and review a SEN policy and provide an annual report on the implementation of that SEN policy.

The EA has a statutory duty to:

- Identify SEN in children of compulsory school age who may require special educational provision and those children aged 2 and over where needs have been brought to their attention. Educational provision may also be made to children under the age of 2;
- Make special educational provision for children who are assessed as requiring it;
- Make and maintain a Statement of SEN for children who, following statutory assessment, are identified as requiring one;
- Review the Statement of SEN annually.

The EA must have regard to the views of the child and ensure they receive the information and support to enable them to participate in decisions about their special education provision (Article 5A of the 1996 Order (as inserted by s.1 of the 2016 Act)).

What the Code of Practice Says

The [Code of Practice \(CoP\) for the Identification and Assessment of Special Educational Needs \(1998\)](#) provides guidance on the roles and responsibilities of schools and the EA with emphasis on a continuum of need and continuum of provision starting with school-based support, set out in five stages.

The SEND Act 2016 when fully commenced will introduce a three-stage continuum of need. In practice, many schools are currently using the three-stage approach in anticipation of commencement of the 2016 Act. Annex C provides a comparison of the five-stage and three-stage approach.

Section 5 of the [Supplement to the Code of Practice \(September 2005\)](#) provides guidance on the effective inclusion of children with SEN in schools.

The CoP sets out clearly the roles of the BoGs, Principals, SENCos and class teachers in the identification, assessment and recording of SEN, the development of an individual education plan (IEP) and school-based provision to meet those needs.

Schools are required to:

- deploy a continuous and systematic cycle of planning, action and review to enable the child with SEN to learn and progress;
- record a child's needs, action taken and outcomes;
- make provision to meet the needs of the child with SEN;
- consider the views of the child;

- consult closely with parents;
- provide support to meet the child's needs including differentiation of class work, deploying alternative teaching and learning strategies of different classroom organisation;
- seek outside specialist support where required;
- develop an Individual Education Plan (IEP) for children with SEN and monitor and assess their progress.

Schools have a right to request a statutory assessment of child's educational needs, supported by evidence of need and details of support provided by the school to the child.

The **EA** is required to:

- identify, assess and make provision for children with SEN;
- provide expert SEN support services to support schools;
- complete statutory assessment where it believes the special educational provision required to meet a child's needs should be determined in a statement;
- complete the statutory assessment process within 26 weeks;
- review all statements at least annually, involving children, parents and appropriate agencies;
- for each annual review after the young person's 14th birthday, involve the appropriate agencies and parents and prepare a Transitions Plan following the review.

9.

The Right People

Policy Objectives

- All teachers are teachers of SEN; we have a highly skilled education workforce, equipped and empowered to build supportive learning environments for pupils with SEN.
- Health and Education work together to ensure children who need it can access appropriate support from Health Professionals when needed, regardless of their education setting.
- Parents are partners in their child's educational journey; they should be informed and supported to enable them to fulfil this role.

What the Law Says

The Department of Education has a statutory duty to ensure sufficient facilities for the provision by others for the initial and further training of teachers ((Articles 66 and 67 of the 1986 Order).

The EA has a statutory duty to ensure that teachers receive appropriate professional development and training and provide curriculum support and advice (The Education (Northern Ireland) Order 2006, Article 23).

The Education (Northern Ireland) Order 1996 sets out the duties of schools and the EA to identify and provide for pupils with SEN in order to meet their needs.

Schools and BoGs have a statutory duty to:

- Use its best endeavours to make special education provision to meet the learning difficulties of pupils with SEN;
- Ensure teachers are aware of a child's SEN and aware of the importance of identifying and making provision for children with SEN;
- Ensure provision of efficient education to pupils educated with pupils with SEN.

The **EA** has a statutory duty to notify HSC Trusts when it decides to carry out a statutory assessment of a child's educational needs and may seek advice if relevant.

The Children Order (Northern Ireland) 1995 places a statutory duty on HSC Trusts to provide services for children 'in need', which includes disabled children. The Children's Services Co-operation Act (Northern Ireland) 2015 requires children's authorities including Northern Ireland Executive Departments, the EA and HSC Trusts to co-operate in order to contribute to the well-being of children and young persons, including in relation to learning and achieving.

What the Code of Practice (CoP) Says

The CoP on the Identification and Assessment of Special Educational Needs (1998) and its Supplement (2005) emphasise the importance of early identification, multidisciplinary assessment and a co-ordinated approach among **schools**, the **EA**, and **health professionals**. It highlights the central role of the **SENCo**.

Schools and BoGs are required to:

- make provision to meet the needs of the child with SEN;
- provide support to meet the child's needs including differentiation of class work, deploying alternative teaching and learning strategies of different classroom organisation;
- develop an IEP for children with SEN and monitor and assess their progress;
- ensure appropriate arrangements are in place for the in-service training and professional development of staff to help them work effectively with children with SEN;
- ensure that schools, the EA and HSC Trusts co-operate closely in meeting the needs of children with communication difficulties;
- work in partnership with parents to ensure effective assessment and provision.

The **EA** is required to:

- provide expert SEN support services to support schools in meeting the needs of children with SEN;
- ensure that schools, the EA and Health authorities should co-operate closely in meeting the needs of children with communication difficulties;
- seek parental advice as part of the statutory assessment process;
- work in partnership with parents to ensure effective assessment and provision.

Health and Social Care (HSC) Trusts

- Prime responsibility for the provision of therapeutic services rests with the HSC Trusts.

However, where a therapeutic service is included under educational provision in a statement of SEN, ultimate responsibility for ensuring provision is made rests with the EA. Where the EA is not satisfied that these therapeutic services are being provided by HSC Trusts, it may consider alternative arrangements.

- Schools, the EA and HSC Trusts should co-operate closely in meeting the needs of children with communication difficulties.

10.

The Right Time

Policy Objectives

- Early intervention is key; SEN are identified and responded to effectively at the earliest opportunity.
- Education and Health professionals work together to ensure timely access to child-centred effective intervention.
- Children and young people with SEN are supported effectively at key transition stages – as they enter and leave the education system and move between key stages within the education system.

What the Law Says

The Education (Northern Ireland) Order 1996 sets out the duties of schools and the EA to identify and provide for pupils with SEN in order to meet their needs.

BoGs of schools have a duty to make teachers aware of the importance of identifying and providing for those pupils attending the school who have SEN. **Teachers** in schools have responsibility for the identification of SEN.

The **EA** must complete statutory assessments within 26 weeks, unless there are exceptional circumstances and ensure parental involvement throughout the process. The timeframes for the statutory assessment process are detailed in the SEN Regulations 2005. In accordance with Article 5A of the 1996 Order, the EA must also have regard to the views of the child in decisions that affect them.

The Children's Services Co-operation Act (Northern Ireland) 2015 requires children's authorities including Northern Ireland Executive Departments, the EA and HSC Trusts to co-operate in order to contribute to the well-being of children and young persons, including in relation to learning and achieving.

What the Code of Practice Says

One of the essential practices included within the CoP is:

'Children with special educational needs should be identified as early as possible and assessed as quickly as is consistent with thoroughness.'

The CoP details the continuum of need and continuum of provision for meeting the needs of children with SEN, starting with school-based support and what is expected to be delivered including an IEP to be drawn up for each child with SEN. It sets out stages of interventions that schools can utilise to support the child starting with school-based support through to accessing expert specialist support through to statutory assessment of a child's needs and completion of a statement of need.

Schools are advised to use all available indicators to assist with early identification including formative and summative assessment and information from parents. Adapting teaching approaches may make a positive difference to children with SEN.

'The Education Authority must complete statutory assessments of educational needs within 26 weeks.'

Statements for children under 2 will be rare and procedures are not specified in legislation. For very young children, the EA should consider home-based programmes or peripatetic services for children with hearing or visual impairment, working closely with relevant Health professionals.

Health and Social Care (HSC) Trusts

- A child development centre or team may provide a multi-professional view at a very early stage. Very early contact with child health services will be important in order to secure advice on the child's condition/difficulties and ensure that there is no physical cause for the difficulty in question (such as a hearing or visual impairment).
- Where a HSC Trust considers that a child may have SEN, it must inform the parents of its views, give them an opportunity to discuss those views and then inform the EA.
- There should be agreed procedures between the HSC Trusts and the EA to ensure prompt action to ascertain whether the needs of such children require specific intervention. This may result in advice, referral to a child development centre/team or a statutory assessment of the child's educational needs.
- Prime responsibility for the provision of therapeutic services rests with the HSC Trusts.
- Schools, the EA and HSC Trusts should co-operate closely in meeting the needs of children with communication difficulties.

- HSC Trusts consulted as part of the statutory assessment process must respond within six weeks.

Transitions

- The first annual review after the child's 14th birthday and any subsequent review are required to include a Transition Plan in preparation for them leaving the school system.
- The first annual review after the child's 14th birthday should involve the HSC Trust to determine if a child with a statement is a disabled person and may require services from a HSC Trust when leaving school.
- Annual reviews after the child's 14th birthday should involve the Careers Service, parents and the views of the young person.
- Detailed guidance on Transition planning is included in the 1998 Code of Practice paragraphs 6.35 to 6.51²⁵.
- EA statements of SEN are not maintained in respect of students enrolled at institutions of further or higher education or young persons attending training courses.
- The EA should, however, seek the agreement of the young person to pass on relevant information to the college or other provision to be attended. Relevant information would include the statement and the report of the most recent annual review, including the transition plan.

²⁵ [The code of practice](#)

11.

The Right Place

Policy Objectives

- Most children with SEN are educated in a mainstream school environment.
- All children receive a timely education placement, in a learning environment which is appropriate to their needs and within their local community, as far as possible.
- Learning environments are inclusive and welcoming to all children with SEN.

What the Law Says

[Article 7 The Education \(Northern Ireland\) Order 1996](#) sets out the 'Duty to educate children with special educational needs in ordinary schools' – often referred to as the 'presumption of mainstream'.

Article 16 of the 1996 Order requires that the **EA** specifies the type of school or other institution which it considers would be appropriate for the child.

The EA will issue the proposed statement to the parent and invite them to express a preference as to the school at which they wish education to be provided for their child and to give reasons for this preference.

The **EA** will name that school in the statement unless –

- a. the school is unsuitable to the child's age, ability or aptitude or to his SEN, or
- b. the attendance of the child at the school would be incompatible with the provision of efficient education for the children with whom he would be educated or the efficient use of resources.

The EA must consult the BoG of the school before specifying the name of any grant-aided school in a statement.

If the name of a grant-aided school is specified in the statement, the BoG of the school shall admit the child to the school.

Under The Education and Libraries (Northern Ireland) Order 1986²⁶, Article 6, the EA has a statutory duty to ensure sufficient available schools for the provision of primary and secondary education, with particular regard to '*the need for securing that special educational provision is made for pupils who have special educational needs*'.

Article 8 of the 1996 Order sets out the duty of schools to use their 'best endeavours' to make provision for a child or young person with SEN/D to be educated within their school environment and ensure all those teaching the child are aware of their SEN and the importance of meeting their needs. In addition, schools have a duty to ensure that the child engages in the activities of the school together with children who do not have SEN.

What the Code of Practice Says

The Code of Practice (1998) states that '*the needs of most pupils will be met in mainstream schools and without a statutory assessment or a statement. Children with special educational needs, including those with statements, should, wherever appropriate and taking into account the wishes of their parents, be educated alongside their peers in mainstream schools*'.

The 2005 supplement to the Code of Practice section 5 provides guidance on the inclusion of children with SEN.

Area Planning

DE's role in the Area Planning process is to provide the strategic and policy context for Area Planning and to provide advice and guidance to the planning authorities.

The Sustainable Schools Policy (SSP) focuses on ensuring children have the maximum possible access to a broad and balanced education, including full participation in the Northern Ireland Curriculum, through a network of sustainable schools. It aims to improve outcomes for all but, in particular, to provide additional support to those who require it, including those children with SEN, to realise their full potential; and to encourage schools to co-operate in sharing best practice to support children with SEN and those with other barriers to learning.

The EA is the overall planning authority for primary and post-primary schools for all sectors, including special schools, and operational responsibility for planning efficient and sufficient schools to meet the needs of all pupils (The Education and Libraries (Northern Ireland) Order 1986). The EA's Special Education Strategic Area Plan (SESAP) 2022-2027²⁷ sets out its five-year plan for special education provision.

The Council for Catholic Maintained Schools (CCMS), under Article 142 of the Education Reform (Northern Ireland) Order 1989, has a statutory role, in consultation with the Trustees, for planning the effective provision of Catholic maintained schools.

²⁶ [The Education and Libraries \(Northern Ireland\) Order 1986](#)

²⁷ [Special Education Strategic Area Plan 2022-27 - Planning for Special Education Provision_0.pdf](#)

Annex A

SPECIAL EDUCATIONAL NEEDS (SEN) AND MEDICAL CATEGORIES

SEN Overarching Categories	Medical categories
<ul style="list-style-type: none"> • Cognition and Learning • Social, Behavioural, Emotional and Well-Being • Speech, Language and Communication Needs • Sensory • Physical Needs 	<ul style="list-style-type: none"> • Epilepsy • Asthma • Diabetes • Anaphylaxis • Autism Spectrum Disorder • Attention Deficit Disorder /Attention Deficit Hyperactivity Disorder • Dyspraxia/Development Co-ordination Disorder • Developmental Language Disorder (Medical) • Global Developmental Delay • Down's Syndrome • Complex Healthcare Need • Anxiety Disorder • Depression

The full list can be found in the Department's '[Recording SEN and Medical Categories' guidance](#)²⁸.

²⁸ [SEN and Medical Categories Guidance - January 2019_4.pdf](#)

Annex B**CONTINUUM OF EDUCATION PROVISION****Mainstream school**

(with support in accordance with the needs of the child)

Specialist Provision in Mainstream School

small classes, targeted support

Special School

(40 schools)

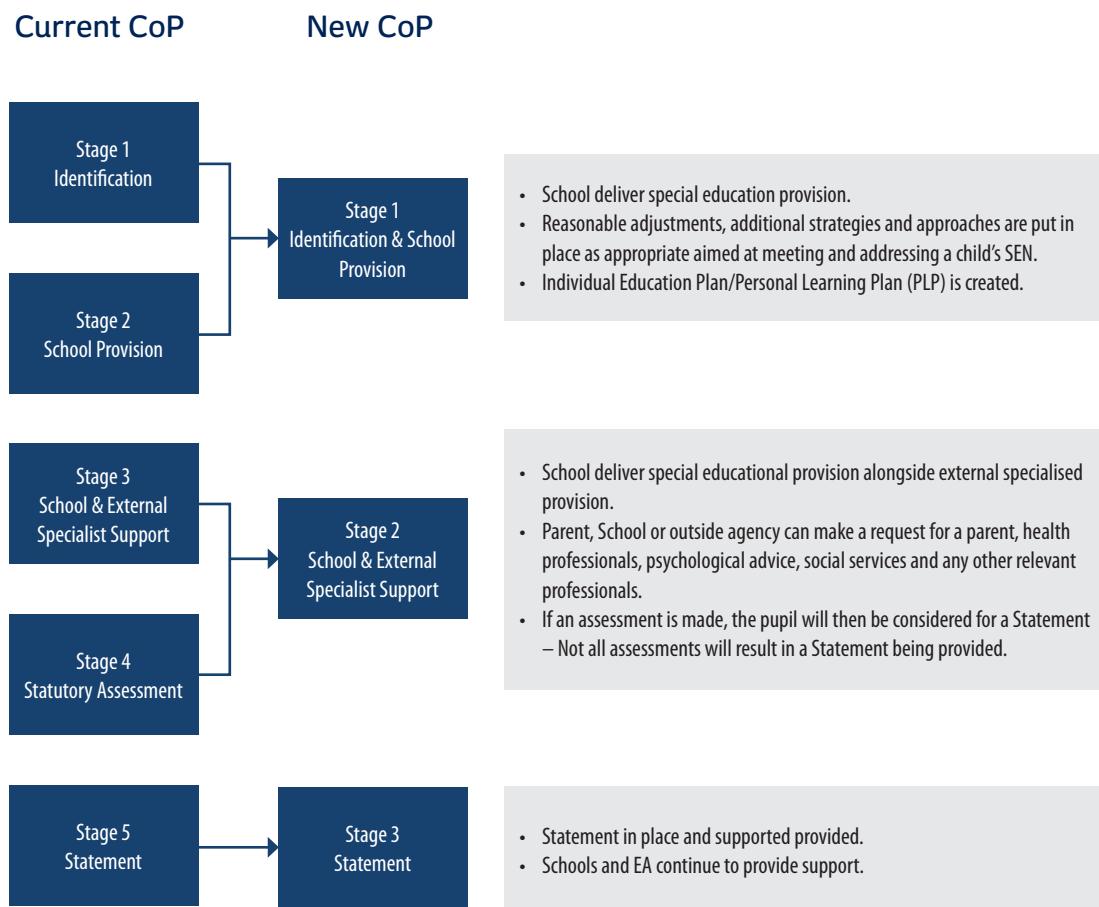
Non-statutory specialist pre-school provision

(EA Pathfinder project commenced 2023/24)

Annex C

STAGES OF THE SPECIAL EDUCATIONAL NEEDS (SEN) CODE OF PRACTICE (CoP)

The current Code of Practice (CoP) (1998) and supplement to the CoP (2005) refer to five stages. The new draft CoP refers to three stages (which has been widely adopted in the spirit of the anticipated legislation). The proposed change from five to three stages is depicted below.



The Children's Law Centre (CLC) has produced a useful guide for parents which sets out the difference between the five-stage model and the three-stage model: [Parent/Carer Information Sheet – Children's Law Centre](#). See extract below:

The stages come from the **“Code of Practice on the Identification and Assessment of SEN”**. The Code is statutory guidance and there is a legal duty upon decision-makers to have regard to it. The current Code has 5 stages. However, a new SEN framework, which has **3 stages**, is gradually being rolled out by the Department of Education and the Education Authority (EA). Schools are now recording children's needs and progress under the new 3-stage system. Educational targets are set and outcomes are monitored for children on the register. The “Individual Education Plan” (IEP) which has previously been used to record targets and gather outcomes data is being replaced by the “Personal Education Plan” (PLP).

“IEP”: Individual Education Plan – old system, content varies across schools

“PLP” Personal Learning Plan – new system, standard format, better recording of data

Old Stages

Stage 1: Child placed on register, teacher monitors, there is no IEP

Stage 2: Information gathered from different sources, IEP Created, SENCo monitors

Stage 3: School intervention + EA/HSCT Support (e.g. QTVI, Literacy Support)

Stage 4: Statutory assessment (reports called “advices” are gathered by the EA)

Stage 5: Statement of SEN (A legally binding document, setting out provision)

New Stages

Stage 1: Child placed on register. SENCo monitors school provision. PLP created.

Stage 2: School provision + EA Pupil Support Service or HSCT Service

Stage 3: Statement of SEN

The statutory assessment under the new special educational needs and disability (SEND) framework will be a “process” rather than a “stage”. Children who are undergoing a statutory assessment will be recorded under Stage 2.

Partnership with Parents

It is important that parents and carers are aware if their child has been placed on the SEN Register and if so, at what Stage, to enable parents and carers to monitor their child's progress and contribute to Personal Learning Plans through **partnership working**, which is required under the Code of Practice.

This policy is held by SEN Strategic Policy & Legislation Directorate, Department of Education.

For information Contact: SpecialEducationTeam@education-ni.gov.uk

To be Reviewed – August 2027

