



BRIEFING PAPER

Number 08024, 28 June 2017

The school system in Northern Ireland

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Introduction

Members often receive enquiries from constituents about school-related matters. This briefing paper considers the education system in Northern Ireland, to assist in answering those queries. It provides an overview of the school system and discusses school types, key organisations and school organisation. It also looks at school admissions, transport, attendance, exclusion, special educational needs and complaints about schools.

Where complex issues are raised it may be more appropriate to refer the constituent to specialist bodies and organisations or to a solicitor if legal advice is sought.

As education is a devolved area, different arrangements are in place for the other countries in the UK.

See also the accompanying Library briefings:

- [Constituency casework: schools in England](#), CBP 5396
- [Constituency casework: schools in Scotland](#), CBP 7819
- [Constituency casework: schools in Wales](#), CBP 7904

1. Overview of the school system

Northern Ireland has a complex educational structure with a range of bodies involved in its management and administration.

Some of the key features of the school system from pre-school to post-primary are:

Pre-school

- Non-compulsory
- Statutory (teacher-led nursery classes and units), voluntary and private settings (day nurseries and playgroups)
- Around 92% of eligible children attend

Primary

- Earliest compulsory school starting age in Europe (children aged four on the previous 1 July)
- Organised along denominational lines with Catholic maintained and controlled schools, as well as integrated and 'other maintained' schools (mostly Irish-medium)

Post-Primary

- Compulsory for pupils aged 11-16
- Selective system (grammar and secondary)
- Catholic maintained, controlled, integrated, 'other maintained' and voluntary grammar schools

Academic selection plays a significant role at post-primary level. In 2015/16, of all students transferring to post-primary, 13,235 (60%) attended a non-grammar, while 8,964 (40%) attended a grammar.¹

1.1 Types of school

There are a number of types of schools in Northern Ireland, with differing governance arrangements. A Board of Governors governs each school; whose composition varies according to the school type. There are also a small number of independent schools.²

Controlled: The Education Authority provides and manages controlled schools through Boards of Governors. Primary and post-primary Boards of Governors for controlled schools include transferor members (from the three Protestant churches that owned schools before their transfer to public ownership). There are also a number of controlled integrated schools.

Catholic maintained (also known as voluntary maintained): The Council for Catholic Maintained Schools (CCMS) is the employing

¹ Data provided by the Department of Education, June 2016

² Perry, C. (2016) *Education system in Northern Ireland* Stormont: Northern Ireland Assembly

authority for these schools, and they have a Roman Catholic ethos. Their Boards of Governors include trustees appointed by CCMS.

Grant-maintained integrated: These schools have an integrated ethos and high levels of autonomy. They are under the management of a Board of Governors. The Department of Education has a statutory duty to encourage and facilitate integrated education.

Other maintained schools: The majority of other maintained schools are Irish-medium; the Department of Education has a statutory duty to encourage and facilitate the development of Irish-medium education. The Church of Ireland owns three other maintained schools.

Voluntary grammars (voluntary non-maintained): Post-primaries that select on the basis of academic ability. These schools have high levels of autonomy and are self-governing under the management of a Board of Governors. Boards of Governors include trustee and foundation governors.

2. Key organisations

The **Department of Education**, accountable to the Assembly, has overall responsibility for the education of the people of Northern Ireland and for effectively implementing educational policy. A number of arm's length bodies, each accountable to the Department, support it in delivering its functions, including:³

- The **Education Authority** organises educational and youth provision, and employs all staff at controlled schools and non-teaching staff at Catholic maintained schools;
- The **Council for the Curriculum, Examinations and Assessment (CCEA)** provides advice and support on curriculum and assessment;
- The **General Teaching Council for Northern Ireland** promotes teacher professionalism; and
- The **Middletown Centre for Autism** is a cross-border body that provides support, training and research in relation to autism.

The **Education and Training Inspectorate (ETI)** is part of the Department of Education, rather than an independent body. It is responsible for inspecting educational and youth provision.

2.1 Sectoral bodies

A number of sectoral bodies represent the interests of the various school sectors and provide support and advice. The **Council for Catholic Maintained Schools (CCMS)** is an arm's length body that supports the Department in delivering its functions, employing all teaching staff at Catholic maintained schools as well as promoting effective Catholic maintained schools.

The **Catholic Schools' Trustee Service** provides support and advice to Catholic Trustees on area-based planning and on the commitment to develop the role of Catholic schools in shared education.

Legislation in 2014 provided for the **Controlled Schools Sectoral Council** to represent the interests of the sector, which also has representation from the **Transferor Representative's Council**, a non-statutory body made up of the three Protestant churches that owned schools before their transfer to public ownership.

The **Northern Ireland Council for Integrated Education (NICIE)** carries out this role for the integrated sector; **Comhairle na Gaelscolaíochta** does so for Irish-medium schools and the **Governing Bodies Association** represents voluntary grammar schools.

³ Perry, C. (2016) *Education system in Northern Ireland* Stormont: Northern Ireland Assembly

3. School organisation

The *Education and Libraries (Northern Ireland) Order 1986*⁴ and the *Education Act (Northern Ireland) 2014*⁵ require the Education Authority to ensure that there are sufficient schools available for primary and post-primary education.

3.1 Opening, closing or making significant changes to a school

The *Education and Libraries (Northern Ireland) Order 1986* sets out requirements regarding opening, closing or making significant changes to a school. In such cases the Education Authority must submit a development proposal to the Department of Education.

A development proposal is required before any significant change can be made to a grant-aided school. This is stipulated under Article 14 of the *Education and Libraries (NI) Order 1986*. It is required in the following cases:⁶

- New schools wishing to be recognised for grant-aid;
- School closures;
- Amalgamations of schools;
- Significant changes to the character or size of a school; and
- Changes which would have a significant impact on another grant-aided school.

Guidance⁷ published in 2014 details the purpose and process of development proposals. A development proposal aims to ensure that all stakeholders are informed about proposed changes to schools and have an opportunity to comment before decisions are taken.

The Education Authority or anyone representing a school can take forward a development proposal. The proposer must initially consult parents, teachers and the Board of Governors about the proposal. In the case of maintained schools, the Council for Catholic Maintained Schools (CCMS) carries out the consultation. The proposal is then sent to the Education Authority.⁸

⁴ Legislation.gov.uk *Education and Libraries (Northern Ireland) Order 1986* [online] Available at: <http://origin-www.legislation.gov.uk/nisi/1986/594/part/III/crossheading/powers-and-duties-of-boards-in-relation-to-primary-and-secondary-education>

⁵ Legislation.gov.uk *Education Act (Northern Ireland) 2014* [online] Available at: <http://www.legislation.gov.uk/cy/ni/2014/12>

⁶ Department of Education *Development proposals* [online] Available at: <https://www.education-ni.gov.uk/articles/development-proposals>

⁷ Department of Education (2014) *Circular Number 2014/21: Publication of a Development Proposal* Bangor: Department of Education

⁸ Department of Education *Development proposals* [online] Available at: <https://www.education-ni.gov.uk/articles/development-proposals>

The Education Authority must consult with schools that may be affected by the proposal, send it to the Department and publish it. Subsequently, the public has two months to comment on or object to the proposal.

Following this period, the Department of Education will assemble relevant facts, consider the feedback and modify the proposal after consultation with the proposer, if appropriate. The Minister for Education, or the Permanent Secretary, then makes a decision on the proposal. This is deemed to be final, and may only be challenged through the judicial review process.⁹

The Department's policy is that admissions and enrolment numbers cannot be increased simply to meet increased demand – popular schools cannot expand when nearby schools have surplus places. It states that this would lead to further growth of the grammar sector and of other popular post-primary schools, and would require additional capital expenditure.¹⁰

3.2 Sustainable schools policy and area planning

Schools for the Future: A Policy for Sustainable Schools, the Department of Education's 2009 sustainable schools policy, envisions an estate of sustainable schools planned on an area basis. It outlines six criteria for assessing a school's viability, namely:¹¹

- Quality educational experience;
- Stable enrolment trends;
- Sound financial position;
- Strong leadership and management;
- Accessibility; and
- Strong links with the community.

Area planning is the process to implement the sustainable schools policy for primary, post-primary and special schools. it aims to ensure that '*provision is planned strategically to deliver sustainable, high quality education to all pupils*'.¹²

⁹ Department of Education *Development proposals* [online] Available at: <https://www.education-ni.gov.uk/articles/development-proposals>

¹⁰ Department of Education *School Admissions Policy* [online] Available at: <https://www.education-ni.gov.uk/articles/school-admissions-policy>

¹¹ Department of Education (2009) *Schools for the Future: A Policy for Sustainable Schools* Bangor: Department of Education

¹² Department of Education *Area planning* [online] Available at: <https://www.education-ni.gov.uk/articles/area-planning-overview>

4. School admissions

Article 13 of *the Education (Northern Ireland) Order 1997*¹³ updated by the *Education (Northern Ireland) Order 2006*¹⁴, provides a legal framework for admission to primary and post-primary schools.

The Department of Education operates an open enrolment policy which requires schools to admit all pupils up to an approved admissions number (within an overall enrolment number for the school), using a set of criteria. It means that schools that are not oversubscribed must admit all applicants.¹⁵

4.1 Parental choice

Legislation underpins the right of parents to express a preference for their child to attend a certain school. However, this is not an absolute right and is restricted by the approved admissions and enrolment numbers within which schools must operate.¹⁶

4.2 Admissions criteria

Boards of Governors have a statutory duty to draw up admissions criteria to be used to select pupils where applications exceed available places.¹⁷ Controlled schools must consider any representations from the Education Authority, and Catholic maintained schools must consider those made by CCMS. The criteria must allow governors to admit pupils up to the approved admissions number, and give priority to children resident in Northern Ireland.

Schools, Boards of governors and the EA have a duty to have regard to guidance from the Department on admission arrangements. In practice this means that Boards of Governors should give active consideration to the recommendations in the guidance and record that they have done so. The guidance on admissions criteria includes that:¹⁸

- Preference criteria (those that reflect the order of parental preference) are not recommended;
- Primary schools must not select based on ability;
- Schools should not use familial criteria other than a sibling currently attending the school;

¹³ Legislation.gov.uk *Education (Northern Ireland) Order 1997* [online] Available at: <http://origin-www.legislation.gov.uk/nisi/1997/866/part/III>

¹⁴ Legislation.gov.uk *Education (Northern Ireland) Order 2006* [online] Available at: <http://www.legislation.gov.uk/nisi/2006/1915/part/III/crossheading/institutions-of-further-education>

¹⁵ Article 13 of the 1997 Order provides an exception where a post-primary Board of Governors can demonstrate that a child's admission would prejudice the efficient use of resources

¹⁶ Department of Education (2016) *Circular Number 2016/16: Open enrolment in primary schools* Bangor: Department of Education

¹⁷ Article 28 of the Education (Northern Ireland) Order 2006

¹⁸ Department of Education (2016) *Circular Number 2016/16: Open enrolment in primary schools* Bangor: Department of Education and Department of Education (2016) *Circular Number 2016/15: The procedure for transfer from primary to post-primary education* Bangor: Department of Education

- Recommended criteria include children entitled to free school meals, parents residing in a catchment area or parish and the eldest child.

4.3 Appeals

Article 15 of the *Education (Northern Ireland) Order 1997* requires the Education Authority to make arrangements for parents to appeal if they are dissatisfied with an admissions decision. Such an appeal is to an Appeal Tribunal, and the only grounds for an appeal are that the Board of Governors did not apply, or correctly apply, its admissions criteria. The tribunal's decision is binding.¹⁹

¹⁹ Department of Education (2016) *Circular Number 2016/16: Open enrolment in primary schools* Bangor: Department of Education

5. School transport

Article 52 of the *Education and Libraries (Northern Ireland) Order 1986*,²⁰ substituted by Article 23 of the *Education (Northern Ireland) Order 1997*,²¹ requires the Education Authority to make necessary arrangements to facilitate pupils' attendance at grant-aided schools.

5.1 Eligibility

Departmental guidance notes that the Education Authority should have regard to 'walking distance', defined in the 1986 Order as two miles in relation to a pupil aged under 11 years and three miles for older pupils, when considering eligibility for assistance.²²

While children and young people within statutory walking distance of their school should not normally receive transport assistance, the Education Authority may choose to offer it within exceptional circumstances. It does not have to provide door-to-door transport assistance; parents may be expected to contribute up to (but not exceeding) statutory walking distance.²³

A pupil attending a school outside statutory walking distance, where a suitable school exists within walking distance, will only be eligible for assistance where they have been unable to gain a place at a school within walking distance.²⁴

5.2 Means of assistance

Transport assistance may take the form of a 'bus pass', the operation of Education Authority vehicles, bus or taxi hire and payment of car or cycle allowances. The legislation requires the Education Authority to consider cost, availability and convenience when determining the most appropriate assistance.²⁵

The guidance also suggests that the Education Authority should consider factors such as whether a particular means of transport would result in an 'unduly early start or late ending' to a pupil's day, and the duration of the journey.

Where the Education Authority supplies its own transport and seats remain after meeting the requirements of all pupils, it may offer them to non-eligible pupils on a concessionary basis.

²⁰ Legislation.gov.uk *The Education and Libraries (Northern Ireland) Order 1986* [online] Available at: <http://www.legislation.gov.uk/nisi/1986/594/contents>

²¹ Legislation.gov.uk *The Education (Northern Ireland) Order 1997* [online] Available at: <http://www.legislation.gov.uk/nisi/1997/866>

²² Department of Education (1996) *Circular number: 1996/41: School transport* Bangor: Department of Education

²³ Department of Education (1996) *Circular number: 1996/41: School transport* Bangor: Department of Education

²⁴ Department of Education (1996) *Circular number: 1996/41: School transport* Bangor: Department of Education

²⁵ Department of Education (1996) *Circular number: 1996/41: School transport* Bangor: Department of Education

6. School attendance

Parents and carers have a legal duty²⁶ to ensure that their children (of compulsory school age) receive full-time education. Parents must secure their child's regular attendance at school. Under the legislation a parent can receive a fine of up to £1,000 in court if a child registered at a school does not attend regularly.

6.1 Holidays during term time

Guidance²⁷ from the Department of Education highlights the importance of parents ensuring that their children attend school regularly throughout their school career. It suggests that parents can demonstrate their commitment to education by not taking holidays during term time. It notes that such holidays would be deemed as an unauthorised absence.

6.2 School Attendance Orders (SAO)

Schedule 13 of the 1986 Order provides for SAOs. If the Education Authority (EA) believes that a parent is failing to perform this duty it must notify them, requiring them to satisfy the EA that the child is receiving suitable education.²⁸

If the parent does not do this, and the EA believes that the child should attend school, it must serve a SAO order on the parent. This requires the parent to ensure that the child is a registered pupil at the school named in the order.²⁹

Parents failing to comply with the SAO or whose children do not attend school regularly, are guilty of an offence and liable to the relevant penalties (provided by paragraph four) of Schedule 13 of the 1986 Order, unless they prove that their child is receiving full-time education otherwise than at school. The penalties may not exceed £1,000.

6.3 Education Supervision Order (ESO)

Before instituting such proceedings, the EA must consider whether it may be appropriate to apply for an Education Supervision Order (ESO) under the Children (Northern Ireland) Order 1995.³⁰

²⁶ Article 45 and Paragraph 3 (1) of Schedule 13 of the Education and Libraries (Northern Ireland) Order 1986 [online] Available at: <http://www.legislation.gov.uk/nisi/1986/594/article/45>

²⁷ Department of Education

²⁸ Legislation.gov.uk *The Education and Libraries Order: Schedule 13 (1986)* [online] Available at: <http://www.legislation.gov.uk/nisi/1986/594/schedule/13>

²⁹ Legislation.gov.uk *The Education and Libraries Order: Schedule 13 (1986)* [online] Available at: <http://www.legislation.gov.uk/nisi/1986/594/schedule/13>

³⁰ Legislation.gov.uk *The Children (Northern Ireland) Order 1995* [online] Available at: <http://www.legislation.gov.uk/nisi/1995/755/part/V/crossheading/education-supervision-orders/made>

A court may make an ESO if it is satisfied that a child of compulsory school age is not being properly educated. The order puts the child under the supervision of the EA.³¹

³¹ Legislation.gov.uk *The Children (Northern Ireland) Order 1995* [online] Available at: <http://www.legislation.gov.uk/nisi/1995/755/part/V/crossheading/education-supervision-orders/made>

7. School exclusion

7.1 Current procedures

At present, schools must have a scheme in place setting out the procedures for suspending or expelling pupils. The arrangements differ by school type, as follows:³²

- The Education Authority prepares a scheme for controlled schools;
- The CCMS prepares a scheme for Catholic maintained schools;
- The Board of Governors of each voluntary, grant-maintained integrated and Irish-medium school prepares their own scheme.

The principal is the only person who can suspend a pupil and an initial suspension must not exceed five days. A pupil can only be suspended for a maximum of 45 school days annually, and the principal is unable to extend a period of suspension without the Chair of the Board of Governors' approval. An expulsion is only legal if a number of requirements are satisfied, namely where:

- The pupil has served a period of suspension;
- There has been a consultation between the parent, principal, Chair of the Board of Governors, the Education Authority and/ or CCMS;
- The Education Authority has the power to expel pupils attending controlled schools, while the Board of Governors plays this role for all other schools; and
- The principal must immediately notify the parent of their right to appeal.

7.2 Appeals

Under Article 49 of the *Education and Libraries Order 1986*, substituted by Article 39 of the *Education and Libraries (Northern Ireland) Order 1993*, gives parents and pupils aged 18 the right to appeal to a tribunal against a decision to expel a pupil from a school.³³

7.3 Changes to current procedures

The *Education (Northern Ireland) Order 2006*³⁴ set out a number of changes to school exclusion and suspension procedures. However, the Department of Education notes that these provisions have not yet been commenced.³⁵

³² Schools (Suspension and Expulsion of Pupils) Regulations (Northern Ireland) 1995, amended by Schools (Suspension and Expulsion of Pupils) (Amendment) Regulations (Northern Ireland) 1995

³³ Department of Education (1994) *Circular Number: 1994/3: Expulsion of pupils: Appeal tribunals regulations* Bangor: Department of Education

³⁴ Legislation.gov.uk *The Education (Northern Ireland) Order 2006* [online] Available at: <http://www.legislation.gov.uk/nisi/2006/1915/part/III/crossheading/suspension-and-expulsion-of-pupils-from-grantaided-schools/made>

³⁵ Department of Education *Suspensions and expulsions* [online] Available at: <https://www.education-ni.gov.uk/articles/suspensions-and-expulsions>

The *Education (Northern Ireland) Order 2006*³⁶ states that at a controlled school a pupil may only be expelled by the Education Authority, on the application of the school's Board of Governors. At all other grant-aided schools, only the Board of Governors may expel a pupil.

The Order requires the Department of Education to prepare a scheme on suspensions and expulsions. The scheme should specify who has the power to suspend a pupil, and for how long.

The 2006 Order³⁷ also provides for the right of appeal against a decision to suspend or expel a pupil to an appeal tribunal. The tribunal may dismiss the appeal or allow it and direct that the pupil be re-admitted to the school.

A provision from the Order that has commenced (Article 34) places the responsibility of the education of a suspended person on the school's Board of Governors.

³⁶ Legislation.gov.uk *The Education (Northern Ireland) Order 2006* [online] Available at: <http://www.legislation.gov.uk/nisi/2006/1915/part/III/crossheading/suspension-and-expulsion-of-pupils-from-grantaided-schools/made>

³⁷ Legislation.gov.uk *The Education (Northern Ireland) Order 2006* [online] Available at: <http://www.legislation.gov.uk/nisi/2006/1915/part/III/crossheading/suspension-and-expulsion-of-pupils-from-grantaided-schools/made>

8. Special Educational Needs (SEN)

8.1 Key legislation

The *Education (Northern Ireland) Order 1996*³⁸ provides the current system for identifying, assessing and making statements for children with SEN. Under this legislation the Education Authority has a duty to identify, assess and make provision for children with SEN within their area.

The 1996 Order provides for a Code of Practice³⁹ on SEN that the Education Authority and schools must have regard to, outlining requirements for statements of SEN, setting out grounds for appeal and giving parents the right to request an assessment.

The *Special Educational Needs and Disability (Northern Ireland) Order 2005*⁴⁰ included protections against disability discrimination within the education system and enhanced the rights of children with SEN to attend mainstream schools. It states that a child without a statement should be educated in an ordinary school and that a child with a statement should be educated in an ordinary school, unless that is incompatible with:

- The wishes of his parent; or
- The provision of efficient education for other children.

8.2 Code of Practice

The Department of Education's SEN Code of Practice, in operation since 1998, addresses identification, assessment and provision for children who may have SEN. It is based on a number of principles, including:⁴¹

- The needs of all pupils with learning difficulties must be addressed;
- Children with SEN require a broad and balanced education;
- The needs of most children will be met in mainstream schools, and without a statutory assessment or a statement; and
- Parents' knowledge, views and experience are vital.

³⁸ Legislation.gov.uk *The Education (Northern Ireland) Order 1996* [online] Available at: <http://www.legislation.gov.uk/nisi/1996/274/contents>

³⁹ Department of Education *Special educational needs: code of practice* [online] Available at: <https://www.education-ni.gov.uk/articles/special-educational-needs-code-practice>

⁴⁰ Legislation.gov.uk *The Special Educational Needs and Disability (Northern Ireland) Order 2005* [online] Available at: <http://origin-www.legislation.gov.uk/nisi/2005/1117/contents>

⁴¹ Department of Education (1998) *Code of Practice on the identification and assessment of special educational needs* Bangor: DE

The Code standardised the procedures and timescales for undertaking an assessment and issuing a statement.⁴² It comprises five main stages, although it acknowledges that there is a continuum of SEN. The first three stages are school-based and during the final two the Education Authority becomes involved in statutory assessment and, if necessary, providing a statement.⁴³

8.3 Statements

The Code of Practice emphasises identifying and responding to children's needs within schools, noting that more formal assessment and statementing processes should only commence when this approach is insufficient.

Broadly, the Education Authority has 18 weeks to issue a proposed statement following a parental request for an assessment or after notifying parents that it is considering making an assessment. It has a further eight weeks to make a final statement.⁴⁴

8.4 Resolving disagreements and appeals

The Dispute Avoidance and Resolution Service (DARS) aims to provide an independent, confidential and informal forum for resolving disputes between the Education Authority or Boards of Governors and parents, in relation to SEN. Departmental guidance notes that there may be instances where recourse to the DARS would not be appropriate, for example where:⁴⁵

- Either side does not wish to engage;
- Matters of policy are at stake;
- The key issue is one that would set a precedent on which the Authority is not willing to concede without direction from the Special Educational Needs and Disability Tribunal (SENDIST); and
- There is a substantial change in the relationship between parents and the Authority or school.

Where parents cannot reach agreement informally the independent Special Educational Needs and Disability Tribunal (SENDIST) considers parents' appeals against decisions. It also deals with claims of disability discrimination in relation to children at school.⁴⁶

⁴² O'Connor, U., McConkey, R., Hartop, B. (2005) "Parental views on the statutory assessment and educational planning for children with special educational needs" *European Journal of Special Needs Education* Vol. 20, No. 3, pp. 251-269

⁴³ Department of Education (1998) *Code of Practice on the identification and assessment of special educational needs* Bangor: DE

⁴⁴ Department of Education (1998) *Code of Practice on the identification and assessment of special educational needs* Bangor: DE

⁴⁵ Department of Education (2005) *Supplement to the Code of Practice on the Identification and Assessment of Special Educational Needs* Bangor: DE

⁴⁶ Courts and Tribunal Service (2015) *Special Educational Needs and Disability Tribunal* [online] Available at: <https://www.courtsni.gov.uk/en-GB/Tribunals/SpecialEduNeedsnDisability/Pages/default.aspx>

The SENDIST is an independent tribunal that deals with appeal cases where a parent or guardian disagrees with the Education Authority. Appeals can be made on the following matters:⁴⁷

- Where the Education Authority has decided not to assess a child's special educational needs;
- Where the Education Authority has carried out an assessment but did not make a statement;
- Where applicants wish to appeal the educational contents of the statement;
- Where the Education Authority repeals a statement or decides not to amend it following reassessment; or
- In certain circumstances where the Education Authority decides not to reassess a child, or turns down a request to have a child placed in a different school.

Appeals cannot be made against the manner in which an assessment is carried out; the length of time taken to complete an assessment; against the way a school or the Education Authority arranges provision; the level of funding provided or against the non-educational aspects of a statement (e.g. transport). An appeal must be made within two months of receiving the decision from the Education Authority.⁴⁸

8.5 Special Educational Needs and Disability Act 2016

The Special Educational Needs and Disability Act 2016⁴⁹ provided for a number of changes to SEN arrangements, including:

- Requiring a personal learning plan for each child with SEN;
- Requiring the Education Authority and health and social services bodies to co-operate in regard to identifying, assessing and providing for children with SEN;⁵⁰
- A new right to appeal where the Education Authority does not make changes to a statement following annual review; and for parents of children with SEN under the age of two to appeal against statement contents or the failure to make a statement;
- An independent mediation service for those appealing to the Tribunal;
- Giving children with SEN over compulsory school age rights previously exercisable by parents; and

⁴⁷ Northern Ireland Courts and Tribunal Service (2015) *Special Educational Needs and Disability Tribunal* [online] Available at: <https://www.courtsni.gov.uk/en-GB/Tribunals/SpecialEduNeedsnDisability/Pages/default.aspx>

⁴⁸ Northern Ireland Courts and Tribunal Service (2014) *Special Educational Needs and Disability Tribunal* [online] Available at: <https://www.courtsni.gov.uk/en-GB/Tribunals/SpecialEduNeedsnDisability/Pages/default.aspx>

⁴⁹ Legislation.gov.uk *The Special Educational Needs and Disability Act (Northern Ireland) 2016* [online] Available at: <http://origin-www.legislation.gov.uk/nia/2016/8>

⁵⁰ The Children's Services Co-operation Act 2015 also contains duties in this regard

- Allowing the Department of Education to make regulations for a pilot scheme enabling children within the compulsory school age to make an appeal to the Tribunal.

However, the majority of its clauses have yet to be commenced at the time of writing (June 2017). The Act provides for a significant amount of subordinate legislation⁵¹ and the Department will provide a revised Code of Practice. This will be particularly important as it is likely to reduce the stages of the SEN assessment process from five to three and place greater emphasis on in-school support.

⁵¹ Department of Education (2016) *Special education needs (SEN) draft regulations* [online] Available at: <https://www.education-ni.gov.uk/publications/special-education-needs-sen-draft-regulations>

9. Complaints about schools

Schools operate their own complaints policies and procedures and parents should raise any complaints with the school. Where parents have been unable to resolve an issue informally, they should approach the child's class teacher or head of year, or failing this, the principal.⁵²

If the complaint is not resolved at this stage, the parent should write to the Board of Governors using the school's complaint procedure. Some school procedures permit an additional stage where the Education Authority, CCMS or another external agency provides an independent appeal or review.⁵³

To make a complaint against the Department of Education, there are a number of stages:

- 1. Informal procedure:** complainant speaks to the official with whom they have been dealing;
- 2. Formal procedure – level 1:** complainant writes to the Department;
- 3. Formal procedure – level 2:** if the complainant is not satisfied with the reply they can contact the departmental complaints team who will arrange for it to be reviewed by a senior manager.

Complainants retain the right to make a complaint to the Ombudsman's Office.⁵⁴ There are separate procedures for making complaints to the Education Authority and CCMS.⁵⁵

⁵² Nidirect *Making a complaint to your child's school* [online] Available at: <https://www.nidirect.gov.uk/articles/making-complaint-your-childs-school>

⁵³ Nidirect *Making a complaint to your child's school* [online] Available at: <https://www.nidirect.gov.uk/articles/making-complaint-your-childs-school>

⁵⁴ Department of Education *Complaints procedure* [online] Available at: <https://www.education-ni.gov.uk/complaints-procedure-3>

⁵⁵ Nidirect *Making a complaint to your child's school* [online] Available at: <https://www.nidirect.gov.uk/articles/making-complaint-your-childs-school>

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