

Circular Number:

2017/12

Subject:

Update on the New SEN Framework

Date of Issue:

7 September 2017

Target Audience:

- Teachers, Principals and Boards of Governors of all grant-aided schools
- Pre-school educational settings
- Education Authority (EA)
- Council for Catholic Maintained Schools (CCMS)
- Northern Ireland Council for Integrated Education (NICIE)
- Comhairle na Gaelscolaíochta (CnaG)
- Governing Bodies Association

Governor Awareness:
Essential

Status of Contents:
Advice

Superseded Documents:
None

Expiry Date: N/A

DE Website:
www.education-ni.gov.uk

Summary of Contents:

The purpose of this circular is to provide an update on the current position in moving to the new Special Educational Needs Framework. Implementation of the new SEN Framework is anticipated to be in 2019.

Enquiries:

Any enquiries about the contents of this Circular should be addressed to:

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Introduction

1. The Department is working on bringing together the legislation and guidance necessary to enable a new, more responsive and effective SEN Framework to be put in place. This circular provides information on the current position on the steps being taken to progress the implementation of this new Framework.
2. The Framework will be made up of three building blocks: primary legislation¹, subordinate legislation² and a new SEN Code of Practice, and will be supported by capacity building, which will include training.
3. It is anticipated that the new Framework, which will introduce a variety of new duties and rights, will be implemented in 2019.

Special Educational Needs and Disability Act (Northern Ireland) 2016 (SEND Act)

4. The SEND Act, which is the first building block in the new SEN Framework, received Royal Assent in March 2016. The Act, once fully commenced, will place new duties on Boards of Governors, the Education Authority (EA) and health and social services authorities, and provide new rights for parents and children over compulsory school age. The Department will commence the new duties and rights once each of the relevant building blocks are in place.
5. Once commenced the new duties on the EA will include a requirement to:
 - publish an annual plan of its arrangements for special educational provision;
 - seek and have regard to the views of the child when making decisions on special educational provision;
 - put in place an independent dispute avoidance and resolution service; and
 - put in place independent mediation arrangements.

¹ [Education \(Northern Ireland\) Order 1996](#) and the [Special Educational Needs and Disability \(Northern Ireland\) Order 2005 – SENDO](#) – and the [Special Educational Needs and Disability Act \(Northern Ireland\) 2016 - SEND Act](#)

² [Education \(Special Educational Needs\) Regulations \(Northern Ireland\) 2005](#) are in operation. These will be revoked and replaced by the [Education \(Special Educational Needs\) Regulations \(Northern Ireland\) 20XX](#) once they are made.

6. Similarly, once commenced, the new duties on the Boards of Governors will include a requirement that:
 - the teachers in the school take all reasonable steps to identify and provide for those children with SEN;
 - a Learning Support co-ordinator³ is appointed within each school to co-ordinate provision for children with SEN;
 - a personal learning plan⁴ (PLP) is completed and reviewed for **each** pupil with SEN and that this plan is transferred (with consent) when a child moves from one grant aided school to another.
7. The Act will also provide for increased co-operation between the EA and health and social services authorities to provide services identified to be of benefit in addressing a child's SEN.

New SEN Regulations

8. Once finalised, the new SEN Regulations will provide a strengthened legislative base for delivering a more responsive and effective SEN framework. Targeted stakeholder engagement and a public consultation were held in 2016. Documents relating to the draft SEN Regulations, including the summary report, can be downloaded from the DE website. (See - <https://www.education-ni.gov.uk/consultations/draft-special-educational-needs-sen-regulations>). The draft SEN Regulations are to go through the Northern Ireland Assembly Affirmative Resolution Process.

New SEN Code of Practice

9. The new Code of Practice currently under development will replace the 1998 Code of Practice on the Identification and Assessment of Children with Special Educational Needs and the 2005 Supplement to that Code. Informed by the SEND Act and the SEN Regulations provisions, it will aim to provide clear and practical advice and guidance to schools, the EA and others on carrying out their statutory duties within the SEN framework. Given the prospective statutory duty

³ Currently known as a Special Educational Needs Coordinator (SENCO)

⁴ Currently known as an Individual Learning Plan (IEP)

on Board of Governors to complete a PLP for each child with SEN, a draft pro-forma for a PLP will form part of the consultation on the new Code.

10. It is anticipated that a targeted stakeholder engagement and public consultation on the new Code will take place in 2018.

SEN Capacity Building (training) on the new SEN framework

11. SEN capacity building training will be rolled out to learning support co-ordinators, principals, teachers, other school staff, Boards of Governors and the EA before implementation of the new SEN framework.

Current Position with regard to children with SEN

12. It is important that schools continue to consistently apply the arrangements set out in the existing Code of Practice on the Identification and Assessment of Children with SEN and the Supplement to it. The full application of the procedures in the Code will ensure consistency of approach within the current SEN framework across all educational phases.

Contacts

13. It is anticipated that further communications will issue as the work on the new SEN Framework progresses. Should you have any queries please contact the Department using the contact information provided on the cover page of this circular.

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