



Northern Ireland  
Assembly

Special Educational Needs and Disability Bill  
Annotated Marshalled List of Amendments  
Consideration Stage  
Tuesday 1 December 2015

Amendments tabled up to 9.30am Wednesday, 25 November 2015 and selected for debate

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The Bill will be considered in the following order-  
Clauses, Schedule and Long Title

**Amendment 1** [Made]

**Clause 2**, Page 2, Line 18

Leave out 'may' and insert 'shall'

*Minister of Education*

**Amendment 2** [Made]

**Clause 3**, Page 2, Line 33

After "take' insert 'all'

*Minister of Education*

**Amendment 3** [Made]

**Clause 3, Page 3, Line 3**

At end insert -

‘(2A) In Article 8 after paragraph (1) insert—

“(1A) Paragraph (1B) applies where—

- (a) the Board of Governors of a grant-aided school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and
- (b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).

(1B) The Board of Governors of school A shall—

- (a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil’s parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and
- (b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.

(1C) Nothing in paragraph (1A) or (1B) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(d) or (as the case may be) under Article 8ZA(1)(a).”.’

*Minister of Education*

**Amendment 4** [Made]

**Clause 3, Page 3, Line 29**

At end insert -

‘(3) Paragraph (4) applies where—

- (a) the Board of Governors of a special school (school A) has prepared a personal learning plan in respect of a registered pupil at the school, and
- (b) that pupil ceases to be a registered pupil at school A and becomes a registered pupil at another grant-aided school (school B).

(4) The Board of Governors of school A shall—

- (a) seek to obtain the consent of the pupil concerned (if the pupil is over compulsory school age) or of the pupil’s parent (in any other case) to a copy of the personal learning plan being sent to the Board of Governors of school B; and
- (b) if it obtains that consent, send a copy of the plan to the Board of Governors of school B.

(5) Nothing in paragraph (3) or (4) affects any duty of the Board of Governors of school B to prepare a personal learning plan in respect of the pupil under paragraph (1)(a) or (as the case may be) under Article 8(1)(d).’

*Minister of Education*

**Amendment 5** [Made]

**New Clause**

After clause 3 insert -

**‘Co-operation to identify, assess, and provide services to, children with special educational needs**

**3A.** Before Article 13 of the 1996 Order insert—

**“Co-operation to identify, assess, and provide services to, children with special educational needs**

12A.—(1) The Authority and the health and social services authorities (“the relevant bodies”) shall co-operate with one another to identify, assess, and provide services to, children with special educational needs.

(2) The relevant bodies shall share information with one another on request.

(3) But information about a child may only be shared with the permission of that child, if the child is over compulsory school age, or the parent of the child in any other case.

(4) The relevant bodies must co-operate to prepare a joint and integrated plan for exercising their functions in accordance with this Article.

(5) The relevant bodies may pool budgets and share resources for the purposes of exercising their functions in accordance with this Article.

(6) In this Article, “health and social services authorities” comprises—

(a) the Regional Board for Health and Social Care; and

(b) the health and social care trusts established under Article 10 of the Health and Personal Social Services (Northern Ireland) Order 1991.”’

*Chair, Committee for Education*

**Amendment 6** [Made on Division]

*As an amendment to Amendment 5*

After paragraph (5) insert—

‘(5A) The Health and Social Care Regulation and Quality Improvement Authority (RQIA) established under Article 3 of the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (NI 9) must, at intervals of not more than 2 years, conduct a review, and publish a report, on how the relevant bodies have co-operated with one another under this Article.’

*Chair, Committee for Education*

**Amendment 7** [Made]

**Clause 4, Page 3, Line 33**

At end insert -

‘(2A) After paragraph (4), insert—

“(4A) If, in helping the Authority in the making of an assessment under Article 15, the health and social services authority identifies any therapeutic or other treatment, or service, likely to be beneficial to the child, the health and social services authority shall provide that treatment or service to the child.”’

*Chair, Committee for Education*

**Amendment 8** [Made]

**New Clause**

After clause 5 insert -

*Nature and extent of special educational provision*

**Nature and extent of special educational provision**

**5A.** In Article 16 of the 1996 Order (statement of special educational needs) in paragraph (3)(b), after “specify” insert “the nature and extent of”.

*Chair, Committee for Education*

**Amendment 9** [Made]

**Clause 7, Page 5, Line 18**

Leave out ‘may’ and insert ‘shall’

*Minister of Education*

**Amendment 10** [Made]

**Clause 9, Page 7, Line 34**

Leave out ‘may’ and insert ‘shall’

*Minister of Education*

**Amendment 11** [Made]

**Clause 9, Page 7, Line 36**

Leave out ‘may’ and insert ‘shall’

*Minister of Education*

**Amendment 12** [Made]

**New Clause**

After clause 14 insert -

**‘Orders and regulations under Part 2 of the 1996 Order**

**14A.** For Article 28 of the 1996 Order substitute—

**“Orders and regulations under this Part**

28.—(1) Orders made by the Department under this Part (other than orders under Article 5(3)) shall be subject to negative resolution.

(2) Regulations shall not be made under Article 8 or 8ZA unless a draft of the regulations has been laid before, and approved by resolution of, the Assembly.

(3) Subject to paragraph (4), all other regulations under this Part shall be subject to negative resolution.

(4) Regulations made under this Part which—

(a) would otherwise be subject to negative resolution, but

(b) are combined with regulations subject to the procedure mentioned in paragraph (2), shall also be subject to that procedure.

(5) Regulations and orders made under this Part by a Northern Ireland department may contain such incidental, supplementary and transitional provisions as that department thinks fit.”’

*Minister of Education*