

**DEPARTMENT OF EDUCATION**

**CONSULTATION ON DRAFT  
SPECIAL EDUCATIONAL NEEDS  
(SEN) CODE OF PRACTICE**

**30 September 2020**

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## **Minister's Foreword**

This consultation seeks views on the new draft Special Educational Needs Code of Practice (the SEN Code).

The draft SEN Code is one part of a new improved and more responsive SEN Framework the first element being the Special Educational Needs and Disability Act (Northern Ireland) 2016 (the SEND Act). The SEND Act introduces new duties for Boards of Governors of grant-aided schools and the Education Authority, provides for greater co-operation with health and social care authorities and brings in new rights for parents and children. Many of these new duties and rights have not yet been introduced as they need to be supported by new SEN Regulations and the new SEN Code. The **draft SEN Code of Practice** is the subject of this public and targeted consultation. New draft SEN Regulations are also being consulted upon at the same time. They can be found on the Department's website. I will consider carefully the timing of commencement of the SEND Act provisions, many of which will dovetail with the start date (known as the commencement date) of the new SEN Regulations and new SEN Code of Practice.

Children with special educational needs are among the most vulnerable in our society. With around 67,000 children reported as having special educational needs in 2019, I recognise that the priority for schools and the Education Authority is to identify and put in place the right special educational provision to help the child or young person make progress and achieve improved outcomes.

The Executive's **New Deal, New Approach 2020** states that "it will deliver a new Special Educational Needs Framework to support young people with special needs to achieve their full potential". This consultation on the new draft SEN Code is a key step forward in that direction. The Code aims to provide practical guidance which schools, the EA and others are required to follow. By doing so a consistent approach will be taken in delivering the new SEN Framework.

I encourage all those with an interest in this important area to contribute to the consultation and thank those who have helped the Department in the development of the draft SEN Code.

**Peter Weir MLA**  
**Minister of Education**  
**30 September 2020**

## Consultation Description

1. The focus of this consultation is on a:

### New SEN Code of Practice

2. This draft SEN Code of Practice (the draft SEN Code) has been developed to reflect the primary legislation - the Education (Northern Ireland) Order 1996 (the 1996 Order), as amended most recently by the Special Educational Needs and Disability 2016 Act (Northern Ireland) (the SEND Act) and the draft SEN Regulations. The draft SEN Code provides practical guidance on the detailed processes and timescales to be followed by Boards of Governors, the Education Authority (EA) and health and social care authorities (this includes the Health and Social Care Trusts – HSC Trusts) to carry out their statutory duties to identify and assess if a child has, or may have, special educational needs and to put in place special education provision for those children who have SEN.
3. This consultation asks a series of targeted questions about the draft SEN Code to inform the Department about whether any changes are required. Following consultation, the Department will analyse responses and, if relevant, make amendments. Amendments may also be required to take account of the feedback on the consultation on the new SEN Regulations.
4. The Department, is separately consulting on new draft SEN. Regulations, which by their very nature, can be difficult to interpret into practical delivery at an operational level. It is imperative that a new SEN Code of Practice accurately interprets the law into clear guidance to help those involved in the identification and assessment of children who have, or may have, SEN and providing special educational provision for children who have SEN. By necessity the draft SEN Code provides comprehensive guidance for the delivery of the SEN Framework. It is, however, recognised that at any point only certain Sections or paragraphs will be relevant to the unique situation regarding a child who has, or may have, SEN. Until such time as the existing SEN Code of Practice on the Identification and Assessment of Children with SEN and the Supplement to it (the current

Code) is replaced by the new SEN Code, schools and EA are required to have regard to the current Code.

5. In addition to this public consultation, the Department also intends to complete targeted consultation to obtain the direct views of:
  - parents;
  - children (of compulsory school age);
  - young people (over compulsory school age); and
  - the Special Educational Needs and Disability Tribunal (SENDIST) panel members.
  
6. At the same time as the consultation on the draft SEN Code the Department has:
  - issued a separate consultation on the new draft SEN Regulations (the SEN Regulations);
  - published a Data Privacy Impact Assessment;
  - published an Equality and Human Rights Policy Screening; and
  - published a Rural Needs Impact Assessment.

(See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for links to the above documents.)

## **Introduction and Background**

7. The proportion of children being recorded with SEN has been steadily rising over recent years creating additional pressures for children, parents and all those that care for and work with children with SEN. Following the agreement from the NI Assembly, the Department has been developing a new Special Educational Needs and Inclusion Framework (the SEN Framework).
  
8. The new SEN Framework focuses on early identification and assessment of children who have, or may have, SEN and making special educational provision for those children with SEN, so that they get the support they need, when they need it, in order to help them make progress and have improved outcomes.

9. The more responsive and effective SEN Framework has three parts:
- the Special Educational Needs and Disability (Northern Ireland) 2016 (the SEND Act);
  - new SEN Regulations; and
  - **a new SEN Code of Practice.**

### **The SEND Act 2016**

10. The SEND Act was subject to significant scrutiny through Assembly structures and received Royal Assent in 2016. This was the first element of the revisions to be made to the legislative base for the new SEN Framework. Much of the SEND Act has still to be commenced as a majority of the provisions, duties and rights are dependent upon the introduction of the new SEN Regulations which need to be supported by a **new SEN Code of Practice** (the SEN Code).
11. The SEND Act will introduce a range of new duties to be placed on the EA, Boards of Governors and health and social care authorities (this includes HSC Trusts). It will also provide for some new rights to children over compulsory school age and to parents. **ANNEX 1** provides a summary of the key changes that will come into operation once the SEND Act is fully commenced.

**Key point: The new duties and rights in the SEND Act are not part of this consultation.**

### **About the New Draft SEN Code of Practice**

12. The draft SEN Code is set out in 14 Sections as follows:-
- **Section 1: Introduction: Principles and Procedures**
  - **Section 2: The Law, Roles, Rights and Responsibilities**
  - **Section 3: Identification, Assessment and Provision by Schools**
  - **Section 4: Statutory Assessment**

- **Section 5: Making and Maintaining a Statement**
- **Section 6: Children Under Compulsory School Age – Services, Assessments and Statements**
- **Section 7: Annual Review of a Statement**
- **Section 8: Transition Planning for a Child with a Statement**
- **Section 9: Co-operation between Education and Health**
- **Section 10: Children in Specific Circumstances**
- **Section 11: Advice and Information**
- **Section 12: Disagreements, Appeals, Mediation and Tribunals**
- **Section 13: Children Over Compulsory School Age**
- **Section 14: Inclusion of Children with Special Educational Needs (SEN) and/or a Disability**

(See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for links to each Section of the Code.)

**A Summary Guide of the SEN Code of Practice for Parents and Young People** on the DE website provides a short summary about what each of the above Sections cover. See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for a link to the Summary Guide.

13. The draft SEN Code is supported by a number of Annexes to provide more detail. They include flow charts and checklists which have been developed by teachers and SENCOs for day-to-day consistent use by teachers and Learning Support Co-ordinators (LSC) and EA officers.

### **Why is the Department Consulting?**

14. The Department has not previously consulted on a new draft SEN Code. The Department is working towards a phased implementation of the new SEN Framework during 2021 which will involve commencement of the provisions in the SEND Act and the making of the new SEN Regulations in the NI Assembly. The Department needs to ensure that the proposed SEN Code to support the

SEND Act and SEN Regulations is clear and understandable to all involved in the SEN process.

15. In the course of developing the new SEN Code, the Department has discussed and considered comments from schools, the Education Authority and health and social care authorities who are key to ensuring the effective delivery of the new SEN Framework. The Department wishes to thank all those who provided input/views.

### **What is the focus of this Consultation?**

16. The SEN Framework introduces a number of key changes. The focus of this consultation (and the questions being asked) is on the draft SEN Code which will support the SEND Act and the SEN Regulations. It interprets them into clear understandable guidance for all involved with the identification and assessment of children who have, or may have, SEN and in making the special educational provision needed to support them. The Department is seeking your views on the following areas of the new SEN Code:

- clarity on the responsibilities of Learning Support Co-ordinator;
- clarity on the Three Stages of Special Educational Provision;
- content of the Personal Learning Plan; and
- clarity on Transition Planning to Adulthood.

17. Summary information on the proposed changes in relation to the areas above, SEN Code references and the questions the Department would welcome feedback on are detailed in **ANNEX 3** – Consultation Questions on the SEN Code of Practice.

## Consultation Arrangements

18. A copy of the **new draft SEN Code** is available on the Department's website at <https://www.education-ni.gov.uk>. Also on the website for the purpose of targeted consultation you will find a:

- draft SEN Code - Summary Guide for Parents and Young People;
- Child Friendly Explanation of the draft SEN Code; and
- Examples of the completed Personal Learning Plan (PLP).

### How to Respond to the Consultation

19. During the consultation period we wish to gather the views of a wide range of stakeholders with an interest in SEN including parents, children and young people, schools (including teachers and SENCOs), other educationalists, the EA, statutory organisations, health and social care authorities, voluntary and community groups and unions.

20. We would strongly encourage you to respond using the online version of the Consultation Questions on the draft SEN Code of Practice (**ANNEX 3**) which can be accessed via the link below:

<https://consultations.nidirect.gov.uk/de-special-education-inclusion-review-team/sen-code-of-practice>

21. If you are unable to respond online via this method then the Consultation Questions at **ANNEX 3** can be completed electronically via a word version of the Consultation Questions (or manually if necessary) and forwarded to:

Email: [sencodeconsultation@education-ni.gov.uk](mailto:sencodeconsultation@education-ni.gov.uk)

OR

Special Education and Inclusion Review Team

Department of Education  
Rathgael House  
43 Balloo road  
Rathgill  
Bangor  
BT19 7PR

22. All responses must be received by 5.00pm on Tuesday 22 December 2020.

23. Any queries about the consultation, or requests for alternative formats, should be directed to the email or postal address above. You may also make contact by telephone on 028 91 279889.

#### Privacy, Confidentiality and Access to Consultation Responses

24. For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice.

25. Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). However, all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) (EU) 2016/679. If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

## Equality and Human Rights Policy Screening

26. The draft SEN Code of Practice (and draft SEN Regulations) have been considered in the context of Section 75(1) and Section 75(2) of the Northern Ireland Act 1998 and decision was taken not to conduct an equality impact assessment; although there is a minor impact on one or more of the equality of opportunities and/or good relations categories, but mitigation/alternative policies will offset the minor adverse impact(s). The Department would welcome any comments or views with regard to the screening. See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for a link to this screening.

## Rural Needs Impact Assessment

27. Due regard has been given to Section 1 of the Rural Needs Act (Northern Ireland) 2016. A Rural Needs Impact Assessment has been carried out and it has concluded that the draft SEN Code of Practice (and SEN Regulations) will not have any material impact on the social and economic needs of people in rural areas. See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for a link to this Assessment.

## Data Privacy Impact Assessment

28. The Department has carried out a Data Protection Impact Assessment (DPIA) on the new Personal Learning Plan (PLP), as a PLP will be created for every child who has SEN and is recorded on the school's SEN register. New activities that involve collecting and using personal data can result in privacy risks. The DPIA is a process to help systematically analyse, identify and minimise these risks. The result of the DPIA is that a number of potential privacy risks and corresponding mitigating actions have been identified. The Department would welcome any comments or views with regard to the DPIA. See [www.education-ni.gov.uk/consultations](http://www.education-ni.gov.uk/consultations) for a link to the DPIA.

## **Summary of the Key Changes introduced by the SEND Act (Northern Ireland) 2016**

- The Act will strengthen the co-operation between education and health in the identification and assessment of children who have, or may have, SEN, and in the provision made for children who have SEN and in the preparation of a transition plan (to prepare a child with a Statement for adulthood).
- The EA will be required to seek and listen to the views of the child.
- Each school will be required to have a Learning Support Co-ordinator (LSC) – the new name for a Special Educational Needs Co-ordinator (SENCO).
- Every child who has SEN is to have a Personal Learning Plan (PLP).
- Young people (children over compulsory schools age) are to be given their own rights in the SEN Framework.
- A new right of appeal at annual review of a SEN Statement is to be introduced.
- A new right of appeal of an EA decision not to make a SEN Statement for a child under two or about the content of a Statement is to be introduced.
- Strengthened independence from the EA of arrangements for dispute avoidance and resolution.
- New arrangements for independent mediation about EA decisions that carry a right of appeal.
- EA will be required to produce an annual plan of its arrangements for special educational provision, including resources, advisory and support services and training, which will support the need for an open and transparent approach to how the EA determines the SEN services it will provide.

## Table cross-referencing each draft SEN Regulation to the draft SEN Code of Practice

Draft SEN Regulation number and title		Draft SEN Code of Practice Section and paragraph
<b>PART II: EDUCATION AUTHORITY PLAN OF ARRANGEMENTS FOR SPECIAL EDUCATIONAL PROVISION</b>		
3	Form and Content	<b>Section 2:</b> 2.17
4	Procedure to be followed in connection with preparing, reviewing or revising the plan	<b>Section 2:</b> 2.27
<b>PART III BOARD OF GOVERNORS</b>		
5	Information to be notified to the Authority	<b>Section 3:</b> 3.48; 3.58
6	Experience of learning support co-ordinators in ordinary schools	<b>Section 2:</b> 2.47
7	Experience of learning support co-ordinators in special schools	<b>Section 2:</b> 2.47
8	Board of Governors duties in relation to the learning support co-ordinator	<b>Section 2:</b> 2.34; 2.43; 2.48
<b>PART IV ASSESSMENTS</b>		
9	Information to be sought by the Authority at consideration stage	<b>Section 4:</b> 4.29
10	Advice to be sought by Authority	<b>Section 4:</b> 4.29; 4.59; 4.60; 4.61; 4.62; 4.63; 4.65; 4.67; 4.70; 4.85; 4.88; 4.96
11	Educational Advice	<b>Section 4:</b> 4.81; 4.82; 4.84; 4.85 <b>Section 5:</b> 5.29
12	Psychological Advice	<b>Section 4:</b> 4.85
13	Matters to be taken into account in making an assessment	<b>Section 4:</b> 4.43; 4.62
14	Time limits and prescribed information relating to assessment	<b>Section 4:</b> 4.27; 4.34; 4.35; 4.54; 4.71; 4.102; Annex 9 <b>Section 5:</b> 5.7; 5.8; 5.39; 5.42; 5.81; Annex 9 <b>Section 6:</b> 6.18; 6.20 <b>Section 7:</b> 7.57; 7.58; Annex 9

15	Exceptions	<b>Section 4:</b> 4.35; 4.36; 4.67; 4.68; 4.72; 4.73; 4.74; 4.75; Annex 9 <b>Section 5:</b> 5.43; 5.44; Annex 9
16	Children admitted to special schools for the purposes of assessment	<b>Section 4:</b> 4.104
<b>PART V STATEMENTS</b>		
17	Statement of special educational needs	<b>Section 5:</b> 5.9; 5.11; 5.59
18	Periodic review of a statement under Article 19(1)(b)	<b>Section 7:</b> 7.5; 7.6; 7.12; 7.13; 7.14; 7.15; 7.20; 7.21; 7.22; 7.23; 7.24; 7.28; 7.33; 7.40; 7.55; 7.56
19	Periodic review of a statement under Article 19(1)(b) where child does not attend a school	<b>Section 7:</b> 7.44; 7.45; 7.46; 7.48; 7.49; 7.51 <b>Section 8:</b> 8.5
20	Transition review meeting leading to transition plan	<b>Section 7:</b> 7.25; 7.34; 7.49 <b>Section 8:</b> 8.2; 8.3; 8.4; 8.6; 8.10; 8.13; 8.14; 8.15; 8.16; 8.17; 8.26
21	Matters Supplementary to regulations 18 to 20	<b>Section 7:</b> 7.26; 7.35; 7.37; 7.42; 7.43; 7.47; 7.52 <b>Section 8:</b> 8.15; 8.18; 8.20
22	Restriction on disclosure of statements	<b>Section 5:</b> 5.75 <b>Section 8:</b> 8.40
<b>PART VI CHILDREN OVER COMPULSORY SCHOOL AGE</b>		
23	Assistance and support to a child over compulsory school age exercising rights under Part II of the 1996 Order	<b>Section 13:</b> 13.14; 13.15
24	Capacity determination	<b>Section 13:</b> 13.21
25	Principles: capacity	<b>Section 13:</b> 13.17; 13.18; 13.22; 13.23; 13.25; 13.26; 13.27
<b>Establishing whether a person has capacity</b>		
26	Meaning of “lacks capacity”	<b>Section 13:</b> 13.28
27	Meaning of “unable to make a decision”	<b>Section 13:</b> 13.29; 13.30; 13.31
28	Supporting person to make decision	<b>Section 13:</b> 13.32; 13.33
29	Compliance with regulation 25(3)	<b>Section 13:</b> 13.27
30	Children over compulsory school age determined to lack capacity to exercise	<b>Section 13:</b> 13.34; 13.36; 13.37

	a right conferred by Part II of the 1996 Order	
	<b>Establishing what is in a person's best interests</b>	
31	Best interests	<b>Section 13:</b> 13.35; 13.38; 13.39; 13.40;13.41; 13.42; 13.43
32	Compliance with regulation 30(3)	<b>Section 13:</b> 13.35
33	Where a child over compulsory school age lacks capacity	<b>Section 13:</b> 13.17
<b>PART VII MEDIATION AND APPEALS</b>		
34	Information to be included in Notices sent by the Authority	<b>Section 12:</b> 12.28
35	Mediation certificates in connection with certain appeals	<b>Section 12:</b> 12.29; 12.30; 12.32; 12.34
36	Mediation	<b>Section 12:</b> 12.35; 12.36
37	Where a person fails to contact the mediation adviser	<b>Section 12:</b> 12.37; 12.38
38	Attendance at the mediation	<b>Section 12:</b> 12.39; 12.40
39	Training and experience of mediation advisers	<b>Section 12:</b> 12.41
40	Mediation Agreement	<b>Section 12:</b> 12.42; 12.43;12.44; 12.45
<b>PART VIII COMPLIANCE WITH TRIBUNAL ORDERS AND UNOPPOSED APPEALS</b>		
41	Compliance with Tribunal Orders - prescribed period	<b>Section 12:</b> 12.48; 12.49
42	Unopposed Appeals - prescribed period	<b>Section12:</b> 12.50
<b>PART IX REVOCATIONS AND TRANSITIONAL PROVISIONS</b>		
43	Revocations	Not required in Code of Practice
44	Transition provision	Separate Departmental guidance may issue with regard to the transitional arrangements
45	Completed statements	
46	Assessments	
47	Advice (time limits and exceptions)	
48	EA (time limits and exceptions)	
49	Proposed statements, proposed amended statements and amendment notices	
50	Review	
51	Transitions plan	

52	Mediation certificates and mediation provisions	
	<b>Schedule 1</b> – Additional information to be contained in Notices	<b>Section 12:</b> 12.19; 12.33; Annex 10
	<b>Schedule 2</b> – Statement of special educational needs	<b>Section 5:</b> 5.9; Annex 11
	<b>Schedule 3</b> – Compliance with Tribunal Orders and Unopposed Appeals	<b>Section 12:</b> 2.48; Annex 13

## Consultation Questions on the draft SEN Code of Practice

**1. Your Name**

**2. Are you responding:**

as an individual (please complete a) to b) below)

on behalf of an organisation/company (please complete c) to f) below)

**If you are responding as an individual:**

**a) Email address**

**b) Address**

If you are responding on behalf of an organisation/company:

**c) Organisation/Company**

**d) Position within Organisation/Company**

**Contact Details**

**e) Email address**

**f) Address**

## Clarity on the responsibilities of Learning Support Co-ordinator

**Current Position:** Under the current Code of Practice on the Identification and Assessment of Children with Special Educational Needs, schools are required to have a Special Educational Needs Co-ordinator (SENCO). Once commenced, the SEND Act requires that every mainstream and special school must designate a teacher as Learning Support Co-ordinator (LSC) from the staff of the school with responsibility for co-ordinating the provision of education for children at the school who have SEN.

**Departmental Proposal:** The aim is to set out clearly the responsibilities of the LSC and the links to senior management and teachers (see SEN Code references below). The Code emphasises that the senior leadership of the school are required to support and guide the LSC on all aspects of their SEN co-ordination role. The LSC co-ordination role includes overseeing the day to day operation of the school’s SEN policy and SEN provision planning and working with other teachers where there is a concern that a child may have SEN. The role also includes providing direction concerning the completion of personal learning plans for a child with SEN.

**SEN Code references:** Section 2 paragraphs beginning 2.43. Also see [Flowcharts and Checklists](#) in Annex 3 (nursery schools and nursery classes), Annex 4 (Primary) and Annex 5 (Post-primary) which highlight the LSC role including the steps required to be taken by the LSC.

**3. Do you agree that the responsibilities of the Learning Support Co-ordinator (LSC) are clearly set out in the SEN Code?**

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know

If you disagree or strongly disagree please provide additional comments:

## Clarity on the Three Stages of Special Education Provision

**Current Position:** There are currently 5 Stages set out in the Code of Practice on the Identification and Assessment of Children with Special Educational Needs. Moving from the current 5 Stages to 3 Stages of Special Education Provision was agreed by the NI Executive in 2012.

**Departmental Proposals:** The draft SEN Code is about children who have, or may have, SEN. It sets out the approach schools (nursery schools or classes, primary and post-primary and special schools) should take where there is a concern that a child may have SEN. The approach to be taken will help determine whether a child's learning difficulty can be catered for through normal differentiation of educational provision or if the learning difficulty is significant and calls for special educational provision to be made. If it is decided that a child requires special educational provision it is only at this point that the child should be entered on the school's SEN Register and a PLP should be created.

The SEN Code sets out that the three Stages of special educational provision are focused on the intensity of the special educational provision to help a child make progress and achieve improved outcomes. The Stages are underpinned by a systematic and ongoing process of assessment of the individual child's SEN and special educational provision. The 3 Stages are:

- Stage 1      School delivered special educational provision.
- Stage 2      School delivered plus external provision from the EA and/or where appropriate, a HSC Trust. Stage 2 will only commence on provision of EA and/or HSC Trust support i.e. delivery of resources, advice or support.
- Stage 3      School plus special education provision as set out in a Statement.

**SEN Code references:** See Section 3 paragraphs beginning 3.28 to 3.57 for the processes where there is a concern through each of the three Stages of special educational provision. Also see Flowcharts and Checklists in Annex 3 (for nursery schools and nursery classes), Annex 4 (for primary settings) and Annex 5 (for post-primary settings) including the school processes from where there is a concern through each of the three Stages.

**4. Where there is a concern that a child may have SEN, do you agree that the process to be followed by schools is clear in the SEN Code?**

(See Section 3, paragraphs beginning 3.28. Also see Flowcharts and Checklists in Annex 3 a) and b) (for nursery schools or classes), Annex 4 a) and b) (for primary settings) and Annex 5 a) and b) (for post-primary settings)).

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
If you disagree or strongly disagree please provide additional comments:					

**5. Where a child is at Stage 1 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

(See Section 3, paragraphs beginning 3.38. Also see Flowcharts and Checklists in Annex 3 c) and d) (for nursery schools or classes), Annex 4 c) and d) (for primary settings) and Annex 5 c) and d) (for post-primary settings)).

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
If you disagree or strongly disagree please provide additional comments:					

**6. Where a child is at Stage 2 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

(See Section 3, paragraphs beginning 3.45. Also see Flowcharts and Checklists in Annex 3 e) and f) (for nursery schools or classes), Annex 4 e) and f) (for primary settings) and Annex 5 e) and f) (for post-primary settings).

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
If you disagree or strongly disagree please provide additional comments:					

**7. Where a child is at Stage 3 of special educational provision, do you agree that the process to be followed by schools is clear in the SEN Code?**

(See Section 3, paragraphs beginning 3.55. Also see Flowcharts and Checklists in Annex 3 g) (for nursery schools or classes), Annex 4 g) (for primary settings) and Annex 5 g) (for post-primary settings).

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
If you disagree or strongly disagree please provide additional comments:					

## Content of the Personal Learning Plan

**Current Position:** In the current Code of Practice on the Identification and Assessment of Children with Special Educational Needs, for current Stages 2 to 5, a child is required to have an individual education plan (IEP). There are inconsistencies both in the completion of these plans and the content. Once commenced, the SEND Act requires that every child who has SEN must have a Personal Learning Plan (PLP) (a programme of special educational provision).

**Departmental Proposals:** The Department is seeking views on the proposed content of the PLP templates for nursery schools and nursery classes (in primary schools), primary schools, post-primary and special school settings. The PLP is required to be used to record the special educational provision put in place to help a child's progress and improve outcomes. Practical guidance for creating, maintaining, reviewing, and, as appropriate, the sharing of a PLP is provided in the SEN Code. The PLP pulls together information about a child's SEN and factors which may be contributing to those needs. The information includes expected outcomes, teaching strategies and resources, special educational provision to be made, monitoring and review arrangements and the outcome of the special educational provision on the child's progress. Where available to the school, a child's Health and Social Care (HSC) Number will be included to assist schools in communicating with HSC Trusts. The PLP will be the key information and evidence base for the purpose of seeking EA support through the EA plan or arrangements for special educational provision. The PLP will be held on the Schools Information System (SIMS). The PLP templates have been developed with C2K, the EA and SENCO clusters across the different school phases and the Special Schools' Strategic Leadership Forum. Please also refer to paragraph 30 above, in relation to the Data Protection Impact Assessment that the Department carried out on the PLP.

**SEN Code references:** See Section 3 paragraphs beginning 3.70 regarding the PLP and Annex 6 a) for a description of each of the data fields within the PLP. Annex 6 b) provides the PLP template for nursery and nursery classes, Annex 6 c) for primary settings, Annex 6 d) for post-primary settings and Annex 6 e) for special school settings.

**8. Do you agree with the proposed content of the Personal Learning Plan (PLP)?**

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know
If you disagree or strongly disagree with a particular data field please provide additional comments including which PLP template (nursery / primary / post-primary / special )					

## Clarity on Transition Planning to Adulthood

**Current position:** The current Code of Practice on the Identification and Assessment of Children with Special Educational Needs sets out the requirement on the EA for preparing a transition plan for a child with a Statement following their 14th birthday.

**Departmental Proposals:** The Department proposes that, given the first-hand knowledge of the child concerned, the school a child attends should prepare a child’s first transition plan (as part of the annual review of a child’s Statement during the school year a child attains age 14). A transition plan is completed in order to plan coherently for a child’s transition to adulthood. Section 8 sets out the procedure involved in the preparation of the first transition plan for a child.

To provide for consistency across all schools and for all children, the EA should provide directions to schools for the preparation the transition plan and consider and approve the plan. The school is responsible for arranging and inviting attendees to the annual review meeting at which the transition plan should also be discussed. Those invited must include an EA Education Transitions Officer, and representatives from Careers Services and HSC Trust.

**SEN Code references:** See Section 8. References to the transition plan are also made in Section 7.

**9. Once a child with a Statement reaches the age of 14, do you agree that the school process for the completion of the first transition plan is clear?**

Strongly agree	Agree	Neither agree or disagree	Disagree	Strongly disagree	Don't know

If you disagree or strongly disagree please provide additional comments:

**General Comments**

**10. Do you have any other comments you wish to make on the draft SEN Code?**