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Final version September 2014
Review September 2017
1 PURPOSE OF GUIDANCE

1.1 The purpose of this guidance, issued under Article 86(3) of the Education (NI) Order 1998, is to set out the minimum requirements that apply to Education Otherwise Than At School (EOTAS) provision made by an Education and Library Board (ELB).

1.2 This guidance establishes the baseline and common features for all EOTAS provision, other than that required by reason of physical illness. It sets out a flexible approach, which recognises the diverse individual needs of pupils requiring its support.

1.3 Similarly, the guidance does not attempt to set out detailed processes and procedures for all aspects of EOTAS provision, recognising that ELBs should tailor their services to meet identified pupil needs within their area.

1.4 To allow time for the necessary changes to procedures and contractual arrangements, this guidance will take effect from the beginning of the 2015-2016 academic year. Its operation will be monitored and the guidance will be reviewed in September 2017.

2 LEGISLATIVE BASIS

2.1 The requirement to provide EOTAS stems from Article 86 of the Education (NI) Order 1998. Details of this and other legislation relevant to the delivery and operation of EOTAS are provided in Annex A.

3 PURPOSE OF EOTAS

3.1 EOTAS makes educational provision for children with social, emotional, behavioural, medical or other issues who, without its provision, cannot sustain access to suitable education. It allows children who have been expelled from, suspended from, or have otherwise disengaged from,

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1 EOTAS provision required by reason of physical illness uses different referral and assessment processes; and requires different support mechanisms. Separate guidance will be issued for this.
their registered school to participate in education until they achieve a new school place, are prepared for re-entry to an existing school place or to maintain their education until compulsory school leaving age.

4 GUIDING PRINCIPLES

General

4.1 The best place for children to receive their education is in a mainstream school, or Special School, with their peers, where each pupil’s full range of learning and developmental needs can be addressed.

4.2 EOTAS is not a duplication of mainstream education. It is an educational provision to meet specific, identified pupil needs and is not a standalone alternative. It is necessarily different to mainstream school and, while concerned with educational progress, must also focus on helping children and young people to address and overcome the social, emotional and behavioural difficulties (SEBD), or other barriers which are preventing them from accessing learning.

4.3 EOTAS must provide a continuum of provision to address the diversity of needs presented by these young people, particularly those with SEBD. The three main types of EOTAS provision are:

- Short term placements with continued school attendance where EOTAS focuses completely on addressing SEBD;

- Longer term placements retaining links with school but with the EOTAS setting taking responsibility for delivering curriculum as well as addressing SEBD; and

- Exceptional arrangements for young people whose difficulties are so severe that attendance at group provision is temporarily unsustainable. Young people in this category will be under continuous multi-disciplinary review with the goal of re-establishing links to school and group EOTAS provision at the earliest opportunity.
4.4 Within the range of interventions identified, pupils are entitled to expect that their learning and development needs will be met effectively and to the same standards available in mainstream education.

4.5 Decisions on the most appropriate EOTAS placement can only be made on the basis of an assessment of the pupil’s needs, including any special educational needs (SEN), and how well a placement will help them achieve their full educational potential.

4.6 EOTAS should look to address each pupil’s barriers to learning and aim to facilitate their re-integration into a mainstream school whenever possible.

4.7 Pupils in EOTAS are entitled to access the full curriculum. A reduced curriculum may be appropriate but this can only be provided on the basis of a pupil’s assessed needs and abilities.

4.8 Where a pupil has a statement of SEN, the pupil is entitled to the full provision as set out in their statement.

4.9 Placement in EOTAS must be in the pupil’s best interests and, in normal circumstances, should only be considered after school based interventions have been attempted and have demonstrably failed.

**Operational Requirements**

4.10 Only an ELB can determine that a pupil requires an EOTAS placement. *Schools, EOTAS providers or the parents/guardians of a pupil may not bypass their ELB’s referral and decision making process.*

4.11 Where an ELB has determined that an EOTAS placement is appropriate and the pupil concerned has a statement of SEN, the ELB must seek the consent of the Department before naming the EOTAS placement in the pupil’s statement, evidencing how the placement will meet the pupil’s needs.

4.12 There is no legislative barrier to a parent requesting the Department to consent to naming an EOTAS placement in a statement of SEN but it is

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2 It is recognised that exceptional circumstances may require a young person’s rapid transfer into EOTAS for safeguarding or similar reasons and that young people should not be penalised for poor evidence keeping by their registered school. ELBs will need to satisfy themselves on this matter, however, before considering poorly evidenced referrals.
a matter for the ELBs to determine the appropriate placement in line with their statutory responsibilities.

4.13 Pupils and their parents/guardians must consent to the young person’s referral for an EOTAS placement and must have input into the decision making process.

4.14 Each pupil in EOTAS must have an Education Plan (EP), tailored to the individual pupil, which includes both educational targets and personal development goals. The EP should give consideration to the identified strengths and weaknesses of the young person as well as any risk assessments or risk management plans already in place. Where the pupil has a statement of SEN their plan should include any special educational provision and the educational and developmental objectives set out in Part 3 of their statement.

4.15 ELBs must regularly review an EOTAS placement and take action where they, the pupil, their parents/guardians, their registered school or the EOTAS centre raise concerns over educational progress.

4.16 Pupils in EOTAS are entitled to access all educational support services available to pupils in mainstream schools, including Classroom 2000 (C2k), the Independent Counselling Service for Schools (ICSS), drug and alcohol support services, educational psychology, speech and language therapy and, where a statement of SEN is in place, all other support as set out in the statement. Pupils in EOTAS will also be entitled to access other health services if required, such as: referrals to the Child and Adolescent Mental Health Service (CAMHS).

4.17 Pupil entitlements, such as free school meals, uniform grants and school transport assistance must be maintained within an EOTAS placement. Any non-educational provision set out in Part 6 of a statement of SEN should also be maintained.

4.18 While they may prove unavoidable, referrals into EOTAS during Key Stage 4, particularly during Year 12, can have a detrimental impact upon pupil outcomes. Efforts should be made to avoid such late transfers where possible.

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3 This is not intended to be an exhaustive list.
4.19 EOTAS placements and support beyond compulsory school age are exceptional and must comply with the Education (NI) Order 1998. Such placements should be considered for a limited period, however, where they are demonstrably in the pupil’s best interests.

Responsibilities

4.20 Schools remain responsible for the educational outcomes of any registered pupil placed into EOTAS, in line with those targets detailed in their Education Plan.

4.21 Schools are expected to contribute to the learning opportunities a pupil receives within their EOTAS placement. Where there are valid reasons precluding a pupil’s attendance at school, the school must consider e-learning opportunities or alternative arrangements which it could make.

Safeguarding of Standards

4.22 All EOTAS provision will be subject to inspection by the Education and Training Inspectorate (ETI) in line with the inspection arrangements set out in the Department’s policy paper, “Every School a Good School – A Policy for School Improvement”. This policy will also inform any follow-up inspections and action plans, where these are required.

5 PROCEDURAL GUIDANCE

Referral Process

5.1 The referral of a pupil to an EOTAS panel can only be initiated by their school, ELB Educational Psychologists or ELB Education Welfare Officers (EWOs) on the grounds of social, emotional, behavioural or attendance difficulties; or of immediate welfare or safeguarding issues.

5.2 Parents/guardians and the pupil must understand how the EOTAS referral process and panel operates and it is the responsibility of the body initiating the referral to ensure that this information is provided to them in an appropriate and accessible format. Appropriate consent must be obtained before a referral is considered by the EOTAS panel and the
views of parents/guardians and the child must be considered by the panel in deciding on a placement.

5.3 ELBs must provide written guidance on their EOTAS referral process to all schools in their area and make this publically accessible through the ELB’s website. Pupils and their parents/guardians must also receive written guidance on when their views will be sought and how these will be taken in to account within the EOTAS referral and decision making processes.

5.4 A school referring a pupil for a possible EOTAS placement must be able to evidence the nature and severity of the pupil’s difficulties and those interventions which they have already attempted. In the absence of such evidence, it is unlikely that an EOTAS placement can be justified.

5.5 Decisions on EOTAS placements must be taken by a panel of relevant specialists convened by the ELB. This panel must include representatives from:

- The Education Welfare Service;
- The Education Psychology Service; and
- Pupil Support Services.

5.6 In assessing the best option for an individual pupil, additional panel members may be brought in as required. These could include: 4

- An independent “Advocate for the Child”;
- The pupil’s registered school;
- The Council for Catholic Maintained Schools;
- Comhairle na Gaelscolaíochta;
- Northern Ireland Council for Integrated Education;
- Social Services; and
- EOTAS Centre Managers from within the ELB area.

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4 This is not intended to be an exhaustive list.
Independent Advocate for the Child

5.7 EWOs already work closely with pupils and their families; identifying their wishes and, in a clear advocacy role, reflecting these views into the EOTAS panel's deliberations.

5.8 To increase the openness of the decision making process and to provide for greater external accountability, however, each ELB should identify one or more appropriately qualified individuals available to act as an independent advocate for the child.

5.9 The role of the independent advocate will be to consider the interests of the child and represent their views and wishes in relation to the EOTAS decision-making and placement processes. To provide the necessary degree of independence, the advocate must not be an ELB employee.

5.10 The implementation of this role is an operational matter for each ELB. The Department fully accepts that intervention by an independent advocate will not be required in every EOTAS referral.

5.11 One possible model could be for the independent advocate to receive case papers and notes of the EOTAS panel’s decisions immediately after each meeting. The advocate would then consider whether the panel’s recommendations:

- Meet the pupils’ identified needs; including any outlined in a statement of SEN; in an appropriate manner; and
- Have given due consideration to the stated wishes of the pupil and their parents/guardians.

5.12 If content that the requirements of para 5.11 had been met, the advocate would endorse the panel’s decision. If they considered that these requirements had not been met, they would engage with the pupil and their family, determine if they were content with the proposed placement, and, if the advocate deemed it necessary, refer the case back for further consideration by the EOTAS panel.

5.13 In such circumstances, the independent advocate would attend the next EOTAS panel meeting as a full participant in any discussion of the case, explaining their concerns and seeking an agreed way forward.
5.14 To minimise delays in achieving final placement decisions, ELBs could also choose to invite the independent advocate to engage in the EOTAS panel's initial deliberations where the complexity of an individual case made the advocates' involvement likely or desirable.

**Post-16 EOTAS Provision**

5.15 As set out in para 4.19, EOTAS provision beyond compulsory school is exceptional, and will require consideration by, and the agreement of, the Board’s EOTAS Panel. Approval should be considered on a case-by-case basis, and for a limited period, where this would allow the pupil to complete accredited qualifications or facilitate a managed transition into further education, training or employment.

6 **EOTAS – EXPECTED STANDARDS**

**Accommodation**

6.1 Guiding principle 4.3 applies to all aspects of EOTAS including accommodation and general facilities. These should reflect the same standards for access, security and health and safety required of any school. For more details, please refer to the Departmental Building handbook for guidance.

6.2 Where, within an existing building, it is not possible to meet current school building standards, these will still be used to inform ETI inspections. Inspectors will, however, use the quality indicators and the approach set out in the Inspectorate’s publication “Together Towards Improvement – A Process for Self-Evaluation - Post-Primary” to identify where improvements can reasonably be required.

**Teaching**

6.3 The key goal of EOTAS is to meet the learning needs of pupils who are unable to access their education in a mainstream setting. Meeting the SEBD needs of the pupil, including the provision of appropriate
therapeutic intervention, is an essential part of this, however, EOTAS provision must enable pupils to access the curriculum and learn. Accordingly:

6.4 All teaching must be delivered by qualified staff acting under the direction of teachers accredited by the General Teaching Council for Northern Ireland (GTCNI). Qualified staff could include youth workers recognised by the Joint Negotiating Committee, behavioural assistants, classroom assistants, accredited tutors / instructors from Further Education colleges and similar professionals. In all cases, the teaching role of non-GTCNI accredited staff must be restricted to their immediate area of professional competence.

6.5 Pupils in EOTAS remain entitled to access a broad education which reflects their individual needs and abilities. Any reductions from the curriculum entitlement framework can therefore only be agreed as part of their EP, following an assessment of their individual needs and abilities.

6.6 Pupils in EOTAS with a statement of SEN also remain entitled to the full provision as outlined in their statement.

6.7 The standard teaching day in an EOTAS setting should provide four and a half hours of tuition in two sessions separated by a period of not less than half an hour. Similarly, pupils should receive 190 days of teaching each year.

6.8 Given the purpose of EOTAS provision, and the diverse needs of individual young people receiving this support, a mix of group teaching, one-to-one tuition, e-learning provision, attendance at another educational centre (local school, college or accredited training provider) and support to meet SEBD needs can be considered against the requirements of paragraph 6.7.

Attendance Monitoring

6.9 Schools must continue to record the attendance of all registered pupils. EOTAS centres must make this information available to the pupil’s

5 This is not intended to be an exhaustive list.
school and the ELB. The school and EOTAS centre must work with the pupil, their parents/guardians and ELB EWOs to encourage full attendance.

6.10 Where a pupil is not on the register of a school, it is the responsibility of the ELB to ensure that attendance is recorded and monitored.

Positive Behaviour and Anti-Bullying Policies

6.11 EOTAS centres must have a positive behaviour policy which complies with the legislative requirements set out in DE Circular 1998/25 Promoting and sustaining good behaviour in schools: Summary of new legislative provisions and follow the guidance and good practice identified in Pastoral care in schools: Promoting positive behaviour.

6.12 The positive behaviour policy must include an anti-bullying policy covering measures to prevent all forms of bullying amongst young people attending the centre.

Pastoral Care and Safeguarding

6.13 All EOTAS centre staff must be appropriately vetted in line with the practice and procedures outlined in DE Circular 2013/01 - Disclosure and Barring Arrangements: Vetting Requirements for Paid Staff Working in or Providing a Service for Schools.

6.14 All EOTAS centres must have in place Pastoral Care policies and procedures compliant with DE Circular 1999/10 - Pastoral Care in Schools Child Protection.

6.15 All EOTAS centres must be registered with the Information Commissioner.

7 Education Plan (EP)

7.1 Each child in EOTAS must have an EP, tailored to their individual needs and abilities. The EP will be drawn up by the Head of the EOTAS centre,
in consultation with staff from the pupil’s registered school. The EP will provide an agreed statement of the educational and support services to be provided during the placement. The pupil and their parents/guardians should be involved in the preparation of the EP and should agree its content.

7.2 If specialist ELB or health services are required to support an EOTAS placement, these must also be specified within the EP following discussion and agreement with the relevant organisation(s). This requirement may be informed by, but does not supersede, existing requirements and review arrangements for an Individual Education Plan (IEP) to be prepared for all pupils with statements of SEN or a Personal Education Plan (PEP) for Looked-After-Children (LAC) pupils.

7.3 In developing the EP, the school and EOTAS centre will agree a programme based on the assessed needs of the young person and record the reasons for any reductions in the full curriculum. In all circumstances, however, a minimum curriculum must be provided comprising:

- Numeracy;
- Literacy;
- ICT;
- Vocational Education; and
- Appropriate Personal and Social Development.

7.4 The EP must set out stretching but realistic educational outcomes and personal development goals for each pupil and should be subject to review each term by the Head of the EOTAS centre and the ELB. Where appropriate, input should also be sought from the pupil’s registered school.

7.5 The EP must record what the school’s contribution to their pupil’s ongoing learning will be. This may include providing access to subjects not available within the EOTAS placement such as Science, Technology,
Design, Languages, Physical Education, Team Sports activities and e-learning opportunities.

7.6 When it becomes appropriate, the ELB, school and the EOTAS centre must consider and identify any additional support required during a pupil’s transition back into mainstream education or, at Key Stage 4, to facilitate their progression into further education, training or employment. Transition planning is the responsibility of the Head of the EOTAS centre but should involve the relevant ELB, the pupil, their parents/guardians and their registered school. Inputs from relevant FE colleges and other training providers should be sought as required.

8 ROLE OF SCHOOLS / REPORTING OUTCOMES

8.1 Schools remain responsible for each pupil on their register and are expected to maintain regular contact with their pupils to ensure their pastoral and academic needs are being met. Schools are also expected to contribute to the mix of learning opportunities a pupil receives while in EOTAS.

8.2 EOTAS centres must provide the pupil’s school and the relevant ELB with a progress report on each pupil, against the targets set out in their EP, at least once per term. In consultation with the EOTAS centre, the school should provide a formal report of the pupil’s progress to their parents/guardians at least twice a year, in line with the school’s standard report processes and timescales.

8.3 Schools must report the educational outcomes of pupils in EOTAS placements at the end of all Key Stages, in line with their reporting on all registered pupils.

8.4 Where a child in EOTAS, because of expulsion or other reasons, is not on the register of a school, the ELB should fulfil those requirements set out for schools in paragraphs 7.1, 7.3, 8.2 and 8.3 of this guidance.

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6 This is not intended to be an exhaustive list.
9 PURCHASED EOTAS PROVISION

9.1 It is a matter for each ELB to determine how it meets its responsibilities under Article 86(1) and 86(2) of the 1998 Order. This can be done through direct provision or the purchase of suitable provision from an external organisation. If an ELB chooses to purchase provision, it is a matter for the ELB to decide on matters such as the geographic area(s) in which provision is required, the Key Stage(s) to be served and whether other specialist educational or behavioural support services are required as part of that provision.

9.2 In utilising purchased provision, an ELB must be satisfied that the provider will deliver a service which meets its requirements and is compliant with the principles and standards set out in this guidance; including meeting the requirements of any statement of SEN in place for a pupil.

9.3 Contracts for such services must be awarded by an open tender process which meets all public procurement requirements identified in the Department of Finance and Personnel publication “Northern Ireland Public Procurement Policy”.

9.4 ELBs must monitor the delivery of purchased EOTAS services. Contracts for purchased services should include performance targets, reporting arrangements and mechanisms to deal with unsatisfactory performance, up to and including the early termination of the contract.

10 SCHOOL FUNDING

10.1 Where an ELB places a pupil in EOTAS, they will recoup from the pupil’s school, the Age Weighted Pupil Unit (AWPU) funding proportionate to that element of the school year when the pupil will not be present.

10.2 Where a pupil remains on the register of a school and, in the determination of the ELB, the school continues to make the required contributions to their ongoing education the ELB will repay a percentage
of the recovered AWPU funding, in recognition of the administrative, resource and other costs incurred by the school.

10.3 Where a pupil has a statement then the relevant ELB will continue to fund the provision outlined in the statement.

10.4 Any other additional pupil payments should follow the child, such as those provided for children of travellers, Looked after Children and Newcomer Allowances.
LEGISLATIVE BASIS FOR EOTAS PROVISION

Education (Northern Ireland) Order 1998 – Article 86

Exceptional provision of education

86. (1) Each board shall make arrangements for the provision of suitable education at school or otherwise than at school for those children of compulsory school age who by reason of illness, expulsion or suspension from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

(2) A board may make arrangements for the provision of suitable education otherwise than at school for those children over compulsory school age who—

(a) have not attained the age of 19; and

(b) by reason of illness, expulsion or suspension from school or otherwise, may not for any period receive suitable education unless such arrangements are made for them.

(3) In determining what arrangements to make under this Article in the case of any child a board shall have regard to any guidance given from time to time by the Department

(4) In this Article—

“child” has the same meaning as in Part II of the [1996 NI 1] Education (Northern Ireland) Order 1996;

“suitable education”, in relation to a child, means efficient education suitable to his age, ability and aptitude and to any special educational needs he may have.

Education (Northern Ireland) Order 1998 – Article 83

Provision of secondary education for pupils in key stage 4 by institutions of further education

83. (1) In Article 14(1) of the [1997 NI 15] Further Education (Northern Ireland) Order 1997 (principal powers of governing body of institution of further education) after sub-paragraph (a) there shall be inserted—

“(aa) to provide or secure the provision of secondary education for pupils in key stage 4—

(i) on behalf of the Board of Governors of a grant-aided school at which the pupils are registered; and

(ii) in pursuance of arrangements made with the board for the area in which that school is situated.”.

(2) A board may arrange for secondary education to be provided by an institution of further education on behalf of the Board of Governors of a grant-aided school in its area to meet the needs of any registered pupils at the school who are in key stage 4.

(3) Before making any arrangements under paragraph (2) in relation to a registered pupil at a Catholic maintained school, a board shall consult the Council for Catholic Maintained Schools.

Education (Northern Ireland) Order 1998 – Article 88

Power of boards to enter contracts for provision of assets or services

88. (1) Every statutory provision conferring or imposing a function on a board confers power on the board to enter into a contract with another person for the provision or making available of assets or services, or both, for the purposes of, or in connection with, the discharge of the function by the board.

(2) Where—

(a) a board enters into a contract such as is mentioned in paragraph (1) (“the provision contract”) under any statutory provision; and

(b) in connection with the provision contract, a person (“the financier”) makes a loan to, or provides any other form of finance for, a party to the provision contract other than the board,

the statutory provision also confers power on the board to enter into a contract with the financier, or any insurer of or trustee for the financier, in connection with the provision contract.
(3) Schedule 4 (which contains provision for the certification of contracts entered into by a board and the effect of such certification) shall have effect.

(4) This Article and Schedule 4 apply to any contract which a board enters into after 12th June 1997.

Education (Northern Ireland) Order 1996 – Article 10

Special educational provision otherwise than in a grant-aided school

10.—(1) Subject to paragraphs (2) and (3) and to Articles 11 and 12, a board may arrange for the special educational provision (or any part of it) which any learning difficulty of a child in its area calls for to be made—
(a) in an institution outside Northern Ireland, or
(b) in Northern Ireland otherwise than in a grant-aided school.
(2) A board shall not make any arrangements under paragraph (1) unless it is satisfied that—
(a) the interests of the child require such arrangements to be made; and
(b) those arrangements are compatible with the efficient use of resources.
(3) Before making any arrangements under this Article, a board shall consult the child's parent.
(4) This Article is without prejudice to any other powers of a board.

Education (Northern Ireland) Order 1996 – Article 12

Special educational provision in institutions in Northern Ireland other than grant-aided schools

12. (1) No person shall so exercise his functions under this Part that the special educational provision (or any part of it) which any learning difficulty of a child calls for is made in an institution in Northern Ireland other than a grant-aided school unless—
(a) the institution is for the time being approved by the Department under Article 26 as suitable for the admission of children with special educational needs, or
(b) the Department consents to the child being educated there.
[F1(1A) But that does not apply to a board deciding, for the purposes of Article 16(5), whether a parent has made suitable arrangements.]
(2) Where a board arranges under Article 10(1)(b) for special educational provision in respect of a child to be made at an independent school in Northern Ireland, the board—
(a) shall pay the fees payable in respect of the education provided for the child at the school;
(b) may pay any fees payable in respect of board and lodging provided for the child at the school; and
(c) may provide transport for the child to facilitate his attendance at the school.
(3) Where a board arranges under Article 10(1)(b) for special education provision in respect of a child to be made at an institution in Northern Ireland other than a school, the board may contribute to the costs of providing education to the child at the institution or assist the institution in the provision of that education, and may in particular—
(a) pay the fees payable in respect of the education provided for the child at the institution;
(b) pay any fees payable in respect of board and lodging provided for the child at the institution;
(c) provide transport for the child to facilitate his attendance at the institution; and
(d) provide equipment and services to the institution.
### GLOSSARY

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<td>AWPU</td>
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<td>SEBD</td>
<td>Social, Emotional and Behaviour Difficulties</td>
</tr>
<tr>
<td>SEN</td>
<td>Special Educational Needs</td>
</tr>
<tr>
<td>YCNI</td>
<td>Youth Council for Northern Ireland</td>
</tr>
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