

# Special Educational Needs

*A Guide for  
Parents*



NOTE

*The Code of Practice on the Identification and  
Assessment of Special Educational Needs will  
come into force on 1 September 1998.*

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# Introduction

Many children will at some time in their school career have special educational needs of some kind. In most cases these needs will be met by their ordinary school, sometimes with specialist help. In a few cases, the Education and Library Board may decide to draw up what is called a statement of special educational needs. This describes the child's needs and the special help to be provided.

The law dealing with special education in Northern Ireland is contained in the 1996 Education Order. The Department of Education has also prepared guidance for Boards and schools in the form of a Code of Practice. Schools, Boards and health and social services authorities must consider the advice given in the Code when deciding what they should do for children with special educational needs.

This booklet is meant to help you to understand:

- what special educational needs are;
- what schools, Boards and others can do to help;
- what your rights are; and
- how you can play a full part in your child's education.

## **Points you should keep in mind**

There are some basic points to keep in mind as you read this guide.

All children with special educational needs have a right to a broad and balanced education.

As a parent, you have an important part to play in helping the Board to decide which school is right for your child.

Most children with special educational needs will go to an ordinary school and their needs will be met without the need for a statutory assessment or a statement. Children with statements often go to an ordinary school; in some cases they attend a special unit attached to an ordinary school.

Some children with special educational needs will go to special schools. All children in special schools will usually have statements, or be undergoing statutory assessment.

Your knowledge, views and experiences as a parent are vital in helping your child to develop. Your child is likely to make most progress if you, your child's school and the Board all work together in partnership.

You can help by keeping in touch with your child's teachers and making sure that your child:

- works on any special programmes set by the school;
- uses any necessary aids such as spectacles or hearing aids; and
- takes any prescribed medicines at the right times.

**Remember that you know your child better than anyone.**

The closer you work with your child's teachers, the more successful any special help will be.

If you have any worries at any time, make sure you share them with your child's teacher, or one of the professionals working with your child, as well as your friends or family.

You and your child may get help from a wide range of other services, including health and social services. If you would like to talk to someone who is independent and knows about children with special educational needs, you may also be able to get help from a voluntary organisation or parents' group. Your Board will be able to tell you about any groups you can speak to.

Parents also have certain rights to appeal to the Special Educational Needs Tribunal if they think the Board's decision is wrong.

## What are special educational needs?

The law says that a child has special educational needs if he or she has learning difficulties and needs special help. This help is known as special educational provision.

A learning difficulty is where a child finds it much harder to learn than most children of the same age, or a disability which makes it difficult to use the educational facilities in the area.

For example, your child may have learning difficulties caused by:

- a physical disability;
- a problem with sight, hearing or speech;
- a mental disability;
- emotional or behavioural problems;
- a medical or health problem;
- difficulties with reading, writing, speaking or mathematics work.

These are just examples. Your child may have more general difficulties with school work.

You may notice these problems yourself. Your doctor, health visitor or clinic may notice them before your child starts school; or your child's teachers may notice them.

About one in five children may have learning difficulties at some time in their school life. Most children get over their difficulties quite quickly. For others, the effects may last longer.

## **Children under school age**

### **What can I do if I think my child has a learning difficulty before starting school?**

If your child is not yet at school, speak to your doctor, health visitor, social worker or anyone else you think may be able to help. **Do not delay.** Your child's early years are very important. Asking a professional is the first step to getting specialist advice. Whoever you speak to will be able to put you in touch with your Board.

If your child is under school age and a health worker thinks that he or she may have special educational needs, they must consult you. The health and social services authority must then tell the Board and give you information about any voluntary organisation that may be able to advise you.

### **What help can my child get before starting school?**

Even if your child is not yet at school, your Board will be happy to discuss your child's needs with you and consider what help it might be able to provide.

There are many services that may be able to help you, for example:

- teachers who will visit your home if your child has hearing or sight problems, or learning difficulties; and
- playgroups and opportunity groups that can help your child develop socially and through play.

You may find it helpful to talk to other parents or to a voluntary organisation.

Your Board may be able to help your child from a very early age. Even if your child is under 2, you can ask your Board to carry out an assessment.

If your child is over 2 and seems to have learning difficulties, you can ask your Board to make a statutory assessment of special educational needs. Following any such assessment, the Board will decide whether it is necessary to make a statement of your child's special educational needs.

# **Children at school**

## **What can I do if I think my child has a learning difficulty at school?**

You should talk to your child's teacher or Principal. The school can also put you in touch with the teacher who has a special responsibility for children with special educational needs.

All ordinary schools provide special help for children with special educational needs.

You are an active partner with your child's school. The school will tell you about your child's progress, listen to your concerns and work with you to make sure that your child gets a proper education. When your child starts school, or moves to a new school, you should let the teacher know about all the special help that has previously been provided.

Many problems can be sorted out easily, especially if they are dealt with quickly. But in some cases the school may call in outside specialists to help.

## **What is the Code of Practice?**

The Code of Practice is a guide for schools and Boards about the practical help they can give to children with special educational needs. It recommends that schools should

identify children's needs and take action to meet those needs as early as possible. They should always work closely with parents. The Code gives guidance to schools but it does not tell them what they must do in every case. Teachers are skilled professionals who can judge how best to help your child.

The Code of Practice recommends that schools should deal with children's needs step-by-step, matching the help to the needs of the child. The school will decide, in consultation with you, what should be done to help your child progress. The important point is that the special help should be right for your child.

## **What are the three stages set out in the Code of Practice?**

The stages set out in the Code of Practice are:

At **Stage 1**, the teacher should record any concerns about your child's learning difficulty and should speak to you about them. The school will value all the information you can give. The school may ask you:

- about your child's health and development;
- how your child behaves at home;
- how you think your child is getting on at school; and

- the possible causes of your child's difficulties and anything you feel would help.

If a child is having difficulties, the school may ask the child about what help he or she would like. Children can be very worried if they are having problems at school. Your child will need your support and encouragement so that you and your child can work closely with the school.

Full discussion of your child's needs at this early stage and careful attention to any learning difficulties, will often help your child make good progress without further help.

Sometimes more help and advice will be needed.

At **Stage 2**, the teacher responsible for special educational needs should talk to you, and to other teachers, and draw up an education plan. That plan will set targets to be achieved and a date for a review to check progress. The school may ask you to work with your child and help at home. **Your support and encouragement are vital.**

The school may also ask if they can talk to your doctor or the school doctor about your child.

All the work done at this stage will often help your child make good progress. Some children may need further help.

At **Stage 3**, the school will probably look for some outside specialist help. They might call in an educational psychologist

or a specialist teacher. Your school will be able to explain how different professionals can help your child. It may also have information about local support services.

The teacher responsible for special educational needs will consider the information collected on your child's special needs and will decide what more help is needed. Your child's teachers and the outside specialist will then draw up a new education plan. The school will check how your child is doing and will record progress. You will be kept informed and invited to attend review meetings. If your child does not seem to be making as much progress as expected, the Principal will decide whether to ask the Board to make a statutory assessment.

# **Assessments and Statements**

Most children's needs should be met by their ordinary schools, but some children will need more help. The Boards are best placed to provide this help, whichever type of school your child attends.

## **What is a statutory assessment?**

To decide what help your child needs, the Board may need to carry out a statutory assessment. This is a very detailed examination which will find out exactly what your child's special educational needs are and all the special help which may be required.

Your child's school, or a professional involved with your child, such as a doctor, may also ask the Board to consider making a statutory assessment of your child. You will always be consulted by your school, or the professional involved, before they make such a request.

If you think your child is falling seriously behind other children of the same age and the school cannot provide all the extra help needed, you can ask the Board to make a statutory assessment of your child. You should always talk to your child's school before you ask the Board for an assessment.

The Board will then decide whether to make a statutory assessment. It will consider very carefully your child's progress at school and the guidance in the Code of Practice. It will also listen to your views and to the views of your child's school about your child's learning difficulties. The school will tell the Board about any special help they have already given to your child.

The Board will tell you what it plans to do and will give you the name of one of its staff who can give you more information. If it intends to make an assessment, it will let you know the next steps. You will have at least 29 days to say whether you agree that it should assess your child. The Board will encourage you to offer your views about your child's needs.

The Board should also give you the names of people and organisations who can help and advise you, and information about the special help your child can get at school. It may also ask you who you would like it to speak to about your child if it decides to make a statutory assessment.

Your views will always be welcome and you should feel free to ask any questions you have. The Board will be able to explain what happens during a statutory assessment, and the time limits that it works to.

## **What if the Board decides not to assess my child?**

If the Board decides that an assessment is not needed, it will write to you and your child's school, giving the reasons for its decision. The Board may say what it thinks could be done to help the school meet your child's needs.

Even if the Board decides that a statutory assessment is not needed, your child may still get extra help. This may include outside specialist help. You should discuss your child's needs fully with the school.

If you ask for a statutory assessment and the Board decides not to make one, you have a right to appeal to the Special Educational Needs Tribunal.

## **How can I be involved in the assessment?**

If the Board decides to go ahead with a statutory assessment, it must tell you. It must then gather advice about your child's special needs from the school, from doctors and from an educational psychologist.

You will also be asked to provide information and your views about your child's needs. **You have an essential part to play because you know your child better than anyone else does.**

You should tell the Board what you think, either by letter or in person. The Board can tell you how to submit your views and it may have guidelines to help you to take part in the assessment. If you would like independent guidance and support at any time during the assessment process, the Board may be able to suggest organisations or individuals who could help you. It will welcome any relative, friend, neighbour or someone from a support group whom you may wish to bring with you to meetings. Remember that this person should be someone you can trust and rely upon to support you and to keep a confidence when the need arises.

The Board will tell you about the different types of special help that schools in your area can give your child. You can then visit some of these schools to help you decide which of them you might prefer for your child.

You have a right to go with your child to any interview, medical test or other test during the statutory assessment. At some stage the professionals may ask to see your child alone, because children often act quite differently when their parents are not there. The professionals will explain what they are doing and what they are looking for.

Your child's own views can play an important part in the Board's assessment. You, or someone else whom your child

trusts, can help your child give views to the Board, if necessary.

Once your Board has collected all the advice and comments about your child's educational needs, it will decide whether to make a statement for your child and let you know its decision.

## **What is a statement?**

A statement of special educational needs is a document that sets out your child's needs and the special help required. The Board will make a statement when it decides that the help your child needs cannot reasonably be provided within the resources normally available to the school. These resources include money, staff time and special equipment.

A statement of special educational needs is set out in 6 parts:

**Part 1** gives your own and your child's name and address and other details.

**Part 2** gives details of all your child's learning difficulties and disabilities, as identified during the assessment.

**Part 3** describes:

- the special help that the Board thinks your child should get to meet the needs set out in part 2;

- the long-term objectives to be achieved by that special help; and
- the arrangements to be made for setting short-term targets and regularly reviewing your child's progress towards those targets.

**Part 4** tells you about the school where your child will go to get the special help set out in part 3, or the arrangements for education to be made otherwise than at school.

**Part 5** describes any non-educational needs your child has, such as transport to school.

**Part 6** describes how your child will get the help described in part 5.

Attached to the statement are copies of all the advice the Board got during the statutory assessment.

Before the Board sends you a final statement, it will send a draft for you to consider. This includes all the parts set out above, except part 4 (describing the type and name of the school) which will be left blank. The Board will welcome your views. It will tell you how to give these before the statement is finalised.

## Can I choose my child's school?

You have a right to express a preference for the grant-aided school you want your child to go to. The Board will tell you about the range of grant-aided schools in the area.

Your preference can be for the school your child is already at.

The Board must accept your preference **as long as**:

- the school you prefer is suitable for your child's age, ability and special educational needs;
- your child's presence there will not affect the education of other children at the school; and
- placing your child there will be an efficient use of the Board's resources.

Special schools usually take children with particular types of special needs. Some ordinary schools may have special provision for particular disabilities. For example, they may have good access for physically disabled pupils or special teaching for pupils with hearing or sight difficulties. Try to make sure you know what they can offer.

You may want your child to attend an independent school which has facilities for pupils with special educational needs. The Board will consider your wishes carefully before it makes

a final decision, but remember that it has no legal duty to meet a parent's preference for an independent school.

Deciding which school you would like your child to go to is an important matter and you will need all the information and advice you can get. Your Board will be pleased to help. Before it makes the final decision about the statement, the Board can arrange a meeting with you to discuss your wishes. It will keep you fully informed and will always explain its decision to you.

When the Board sends you the proposed statement you will have 15 days in which to comment and to say which school you prefer. You can ask for a meeting with the Board. After this meeting you have another 15 days to ask for more meetings. Finally, within 15 days of your last meeting with the Board, you can send in any more comments you have and the Board will consider them. If you would like more time to comment, you should talk to the Board.

The Board will then send you a copy of the final statement and tell you of your rights to appeal.

The statement comes into force as soon as the Board makes it. The Board must provide your child's school with any extra resources that are needed. The school's Board of Governors must make sure that your child gets the special educational help set out in the statement.

## **What if I disagree with the final statement?**

If you disagree with what is in the statement, you should first ask the Board for an explanation. If you are still not happy, you have a right to appeal to the Special Educational Needs Tribunal against:

- the description of your child's learning difficulties, given in part 2; or
- the help to be given for your child's special educational needs, described in part 3; or
- the type and name of the school your child should attend, given in part 4,

of the statement.

## **What if the Board decides that my child does not need a statement?**

After the assessment, the Board may decide that your child's school can provide the special help for your child's special educational needs without the need for a statement. The Board will tell you of this decision as soon as it is made.

The Board may then draw up a note saying why it decided not to make a statement. If you wish, it will send you copies of all

the advice it got from the professionals it dealt with during the statutory assessment. The note and that advice should help you understand the Board's decision. If you agree, these papers can also be passed to the school to help the teachers to decide how to help your child in the future.

If, after you have looked at all the information from the Board, you think that a statement should be made for your child, you can appeal to the Special Educational Needs Tribunal.

## **How long should the assessment process take?**

It is in the best interests of your child that any special educational needs are assessed thoroughly and quickly. The process from the time when the assessment begins until the Board issues a proposed statement should usually take no longer than 18 weeks. Clearly, all the people with whom the Board has to deal have a part to play in keeping the time to a minimum. You can play your part by replying quickly whenever the Board contacts you.

## **Annual review of the statement**

The Board must regularly check your child's progress and make sure the statement continues to meet your child's needs.

It must review your child's statement at least once a year, though some statements may need to be reviewed more often.

Your child's school will have set targets for your child soon after the statement was first made. The annual review will look at your child's progress towards meeting those targets and agree new targets for the next year.

The school will tell you the date for the review meeting and invite you to attend. Before the meeting, it will ask you to send in your views on your child's progress over the last year. Your views are important and the school, a voluntary organisation or a parents' group can help you give them.

The school may also ask for the views of other professionals who know and work with your child. Before the review meeting the school will send you copies of all the views they have received.

The review meeting will normally be held in your child's school. It is important that you try to attend. You may take a friend, relative or someone from a support group with you. Your child can go along too for at least part of the meeting. Your child's own views on progress in the past year, and hopes for the future, are important.

After the review meeting, the school will set new targets and send a report to the Board so that it can review your child's

statement. The school will send you a copy of its report. The Board will then decide whether it should make any changes to your child's statement. It will write to you, your child's school and the professionals involved in the review.

If your child has a statement, the first review after age 14 is particularly important in preparing for their move to adult life. This review will involve all those people and organisations who will play a major role when your child leaves school. This will include the careers service and your local health and social services authority. This review will produce a transition plan for your child's move to adult life. You and your child will be asked to help draw up this plan.

## **Can changes be made to the statement?**

An annual review may lead to changes to your child's statement. For example, changes may be made if:

- your child's needs have changed significantly; or
- if the Board decides that different kinds of extra help are necessary; or
- if your child has to move to another school.

You will always be asked what you think before any changes are made. Reviews will not always lead to changes in your child's statement. While the Board may suggest changes at

any time, changes are most likely to be made after annual review.

The Board will tell you of any changes it is thinking of and the reasons for them. You will have 15 days in which to tell the Board your views. The Board will consider these before it decides whether to make any changes. The Board must tell you its decision within 8 weeks of suggesting a change.

You have the right to ask the Board to change the name of the school in your child's statement. When your child is due to move from primary to secondary school, it is very important that you, your child's present school and the Board think carefully about the secondary school your child should attend. The results of the annual review in your child's last year in primary school will be important. So this review might be held earlier in the school year than other reviews. The Board should always try to decide your child's next school before the beginning of the term before the move. You will always be involved in this decision.

You have a right to appeal to the Special Educational Needs Tribunal against any change to the description in the statement of:

- your child's special educational needs, given in part 2;
- the types of special educational provision, described in part 3; and
- the name of the school, given in part 4.

## How long does a statement last?

A statement may last throughout your child's school career, or for just a part of it.

Through its annual reviews of your child's statement, the Board may decide that your child can continue to make good progress with the extra help that an ordinary school can provide, within the resources generally available to it. If it does, the Board may decide to stop maintaining your child's statement.

If the Board intends to stop maintaining your child's statement, it will write to you, giving its reasons. If you disagree, you should tell the Board. If it then stops maintaining the statement and you still disagree, you have a right to appeal to the Special Educational Needs Tribunal.

The Board will stop maintaining the statement if your child leaves school at age 16. If your child stays at school, the Board may keep the statement until age 19.

## Can I ask for my child to be assessed again?

Even if your child has a statement, you have the right to ask for a new assessment. The Board must agree, **as long as**:

- your child has not been assessed in the last 6 months; and

- the Board agrees that another statutory assessment is needed.

The Board will decide whether a new statement is needed in the same way that it first decided to assess your child. In particular, it will consider whether there have been significant changes in your child's life or special needs. The Board will tell you of its decision and the reasons for it. If you disagree, you can appeal to the Special Educational Needs Tribunal.

## **What happens if I move to another Board area?**

If you are going to move, you should let your Board know. You should talk to both your present Board and your new Board about your child's needs and the best way of making sure they continue to be met.

When you move, your old Board will send your child's statement to your new Board. The new Board must then make sure that your child gets all the special educational help set out in the statement. Within 6 weeks of receiving your child's statement, your new Board must tell you when it will review the statement and whether it is going to make a new statutory assessment of your child.

Your child may have to start at a new school before the new Board reviews the statement or makes a statutory assessment. Remember you have a right to tell the Board what you think before it makes any change. Remember too, that, if you disagree with any change that the Board does make, you have a right to appeal to the Special Educational Needs Tribunal.

# **Concerns about your child's education**

## **Dealings with the school and the Board**

If you are not happy with anything the school does when dealing with your child, you should first talk to the teacher responsible for special educational needs or your child's class teacher or subject teachers. You may also talk to the Principal. Sometimes misunderstandings can arise. To prevent this it is important you co-operate as much as you can with the school in any discussion about your child's special needs.

You may find it helpful to write down your worries before a meeting and, if you want to, you can take a friend or relative with you. You may also find it helpful to talk to other parents. The school will be able to let you know how it handles formal complaints from parents.

You are a partner with your child's school and the Board. Your knowledge of your child, together with the school's and Board's knowledge of a wide range of children with special educational needs, should result in proper help being given to your child quickly and effectively.

It is very important that you discuss your views openly with the Board and try to reach agreement with it where possible. If, at any stage, you are not happy with something the Board has done when dealing with your child, you should first talk to the Board officer who has dealt with your child's case. He or she will be happy to discuss your worries. In most cases, the problem should be put right quickly. If you are concerned about some other aspect of your child's education the Board officer may still be able to suggest who you might talk to about it.

You can ask your child's school or the Board for details of voluntary bodies and parent groups who may be able to help. Your local Citizens Advice Bureau will also be able to help you.

## **Appeals to the Special Educational Needs Tribunal**

If you cannot agree with the Board and you believe that a different decision is needed, you have a right to appeal to the Special Educational Needs Tribunal.

You can appeal to the Special Educational Needs Tribunal if:

- the Board refuses to make a statutory assessment of your child, after you have asked it to; or

- the Board refuses to make a statement for your child after an assessment; or
- you disagree with the contents of part 2, part 3 or part 4 of your child's statement, when that statement is first made; or
- you disagree with the contents of part 2, part 3 or part 4 of your child's statement, if it is changed later; or
- your child already has a statement and the Board refuses to assess your child again; or
- your child already has a statement and the Board refuses to change the name of the school in that statement to another grant-aided school; or
- the Board decides to stop maintaining your child's statement.

The Special Educational Needs Tribunal is an independent body which hears parents' appeals against Board decisions on statutory assessments and statements. Appeals have to be made in writing to the Tribunal **no later than 2 months** after the Board makes its decision. You can find out more about the Tribunal in a special booklet. You can get the booklet from your Board.

## **Complaints to the Department and the Ombudsman**

In some cases, the Department is able to look into complaints against schools, Boards and other organisations. However, it can only tell them how they should act when the complaint is about something they have to do under the law.

The complaint and appeal procedures described above do not replace your right to complain to the Ombudsman, though you will be expected to have tried them before you go to the Ombudsman. You can get more information about this from the Ombudsman's office by ringing Freephone 0800 343424.

## Choices after age 16

Education for young people with special educational needs does not stop at age 16. Depending on particular interests and abilities, your child can stay on at school, or move to a college of further education. Many schools have developed 'link' courses with colleges so that pupils in their last years at school can go to a college on a part-time basis. These courses help to prepare young people for further education by letting them experience a college and try out a range of new subjects.

Further education is available for young people over the age of 16. If your child has a statement of special educational needs, further education will be considered when the transition plan is drawn up at age 14. Many students with learning difficulties or disabilities attend ordinary courses at colleges with the help of special equipment or support.

Universities and colleges offer education at a level beyond GCE A level standard for students from about the age of 18. It is open to all young people who have the ability to benefit from it.

If you have any questions about the choices open to your child after age 16, the careers service can provide help and advice.

## **Educating sick children**

If your child is taken ill, or has to go into hospital for some time, the Board must still provide the education your child needs. The Board will try to make sure that the help, including extra help for special needs, provided for your child at home or in hospital is similar to that provided at school.

The education your child gets in hospital will depend on what the illness is and the length of stay. If the stay is likely to be a long one, the Board may want to change the statement, if your child has one. If your child is due to take exams or assessments, these can take place in the hospital.

# Definitions

**Code of Practice** A guide which schools and Education and Library Boards must have regard to when they deal with a child with special educational needs.

**Education and Library Board (Board)** The body responsible for providing education and for making statutory assessments and maintaining statements.

**Learning difficulty** A child has learning difficulties if he or she finds it much harder to learn than most children of the same age or has a disability which makes it difficult to use the educational facilities in the area.

**Note in lieu of a statement** A note in which the Board will set out the reasons for its decisions not to make a statement after a statutory assessment.

**Special educational needs (SEN)** A child has special educational needs if he or she has learning difficulties that need special educational provision.

<b>Special educational provision</b>	The special help given to children with special educational needs.
<b>Special Educational Needs Tribunal</b>	An independent body that hears appeals against decisions made by Boards.
<b>Special School</b>	A school which is specially organised to give help to pupils with special educational needs.
<b>Statement of special educational needs</b>	A document that sets out a child's needs and the extra help he or she should get.
<b>Statutory assessment</b>	A very detailed examination of a child's special educational needs. It may lead to a statement.
<b>Transition plan</b>	A plan drawn up at the first annual review of a statement after a child's 14 <sup>th</sup> birthday. It sets out the steps needed for him or her to move from school to adult life.

## Other Free Publications

You may find these other publications useful. They are both available free of charge.

A Guide to the Special Educational Needs Tribunal is available from your Board.

The Code of Practice on the Identification and Assessment of Special Educational Needs is available by writing to:

Special Education Branch  
Department of Education  
Rathgael House  
43 Balloo Road  
BANGOR  
Co Down  
BT19 7PR

or by ringing 028 9127 9939.

There are many voluntary organisations who help children with disabilities or learning difficulties, and their parents. Others offer more general advice. Ask your Board if you would like more details.

# **Addresses of Education and Library Boards**

Belfast Education and Library Board  
40 Academy Street  
BELFAST  
BT1 2NQ  
Phone: 028 9056 4000

North-Eastern Education and Library Board  
County Hall  
182 Galgorm Road  
BALLYMENA  
Co Antrim  
BT42 1HN  
Phone: 028 2565 3333

South-Eastern Education and Library Board  
18 Windsor Avenue  
BELFAST  
BT9 6EF  
Phone: 028 9038 1188

Southern Education and Library Board  
3 Charlemont Place  
ARMAGH  
BT61 9AX  
Phone: 028 3751 2200

Western Education and Library Board  
Campsie House  
1 Hospital Road  
OMAGH  
Co Tyrone  
BT79 0AW  
Phone: 028 8241 1411





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*Produced by the  
Department of Education for Northern Ireland  
October 1997*