



**Isle of Man  
Government**

*Reiltys Ellan Vannin*



# Parental guidance to the Isle of Man's Special Educational Needs arrangements and legislation

Department of Education and Children  
*Rheynn Ynsee as Paitchyn*

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## **1. INTRODUCTION**

The Department of Education and Children (DEC) has a duty under Section 2 of the Education Act 2001 to secure sufficient educational opportunities that are appropriate according to age, aptitude and ability, for all pupils - this duty includes supporting those children and young people with special educational needs (SEN). However, Section 18 of the Education Act 2001 places an additional duty on the Department to take reasonable steps to identify children and young people who may have special educational needs, while Section 19 directs the Department to consider and specify the provision arrangements that should be made to meet those needs. The approach to be taken when assessing special educational needs is described in Schedule 4 of the Education Act 2001.

The educational assessments and provision arrangements made by schools on a day-to-day basis meet the needs of the vast majority of learners with SEN, without the need to call upon specialist assessments, interventions, or provision arrangements. This means that schools routinely monitor the progress of all pupils, and take steps to identify and assess special educational needs, calling upon specialist support from the Department as appropriate.

## **2. ASSESSING SPECIAL EDUCATIONAL NEEDS**

Given the central role schools play in assessing and meeting special needs, it is very important to discuss any special educational needs you feel your child may have with the class teacher, the Special Educational Needs Co-ordinator (the SENCO), or the Headteacher. With your permission, the school will undertake appropriate assessments, devise an Individual Education Plan (IEP) and organise appropriate provision from within the resources ordinarily available in school. Depending upon the level and type of needs, schools teach using different strategies / approaches, arrange targeted interventions, or provide additional classroom support. In such cases - which covers the vast majority of children and young people with SEN - schools intervene early and respond quickly to provide appropriate support, and there is no need for parents to use the legislation (explained below) to ask the Department to assess needs or arrange provision.

### IMPORTANT:

Services for Children (SfC) does not reserve any assessment types or techniques, nor special provision arrangements, exclusively for formal requests made under the legislation. In other words, as a parent you have access to the same assessments and provision arrangements by working with the school as you have if you request an assessment under the legislation

## **3. SERVICES FOR CHILDREN (SfC)**

For a very small number of children and young people with more complex special educational needs, parents and schools are able to request support from Services for Children (SfC), a Division within the Department of Education and Children. With regards to special educational needs, SfC works with schools and families to:

- Give advice, guidance and specialist support concerning special educational needs
- Undertake specialist assessments of special educational needs
- Strengthen links between schools, families and other agencies involved in meeting a child's special educational needs
- Make provision arrangements for children and young people with more complex special educational needs

Services for Children undertakes this work by maintaining a number of specialist services, including:

- Special Unit provision
- Educational Psychology Service
- Pre-School Assessment Centre (PSAC)
- Education Support Centre (ESC)
- Hearing Support Service (HSS)
- Visual Impairment Support Service (VISS)
- Bilingual Service

While SfC maintains these services, school SENCOs co-ordinate support arrangements between the child / family, the school's teaching staff, Services for Children and any other agencies that might be involved (e.g. Health and Social Care). Access to SfC maintained provision is therefore via schools (or, occasionally, other agencies) making referrals to SfC specialist services. Parents / carers can however work directly with SfC to seek advice and guidance regarding their child's special educational needs, or request an assessment of special educational needs under specific SEN legislation.

Parental advice and guidance is usually provided to parents by the head of the relevant specialist service area listed above - contact details for these service leads can be made available to parents at the point when a referral to the specialist service is made. Requests for SEN assessments under the legislation are made to the Head of Legal and Administrative Services (contact details below).

#### **4. WHEN TO USE THE SEN LEGISLATION**

##### *4.1 Schedule 4 Assessments*

As a parent you have a right to request a SEN assessment under Schedule 4 of the Education Act 2001. Services for Children (SfC) will undertake the assessment unless it has already undertaken an assessment, or SfC considers there has been no change in the child's needs since the last assessment. The Department would discuss your child's needs with you before making a decision as to whether to proceed with the assessment.

You might wish to use the legislation if, for example, you feel the school is not identifying your child's special educational needs correctly, or provision arrangements are insufficient, or transition arrangements into primary / secondary / College are incomplete. However, while parents have a right to request a Schedule 4 SEN assessment, SfC would prefer to resolve whatever difficulties had prompted the request before undertaking the assessment. This is because Schedule 4 assessments are time consuming and could delay the implementation of, or adjustment to, appropriate provision arrangements. Furthermore, Schedule 4 assessments are unlikely to reveal anything new, especially where an Educational Psychologist is already actively involved.

While schools and the Department rarely use the legislation to undertake an assessment of special educational needs, they may do so under Schedule 4 of the Education Act 2001 (the Department) and Section 4 of the Education (Miscellaneous Provisions) Act 2009 (the school). This would happen if the school or the Department is of the opinion that a child has special educational needs and that special educational provision may be required. Where the Department proposes to undertake an assessment, parents are notified in writing and invited to discuss the proposed assessment. Having considered representations from parents, the

Department may decide not to proceed with the assessment. As a parent, you can appeal in writing against Department decisions to undertake, or not undertake, an assessment.

The Department will undertake a Schedule 4 assessment following the Education (Special Educational Needs) Regulations 2004. In practice, the Department will most likely instruct an appropriately qualified Educational Psychologist (EP) to undertake the assessment. The EP will arrange to meet the child and parents, and also request relevant evidence, advice and opinions to inform the assessment. Where particular assessments of special educational needs are undertaken, parents have the right to be in attendance throughout. Schedule 4 assessments are undertaken in a timely manner as possible, but are to be completed within a statutory 12 week time limit, unless prevented from doing so by circumstances beyond the Department's control.

#### *4.2 Section 19 Reports*

Once a Schedule 4 assessment has been undertaken, the EP will prepare a report on the child's special educational needs under Section 19 of the Education Act 2001. Should the EP integrate the report into the assessment, to produce one comprehensive document, the report will follow the form and content specified in Section 12 of The Education (Special Educational Needs) Regulations 2004. The report will make reference to needs identified during the Schedule 4 assessment, and specify the provision the Department intends to make for the purpose of meeting the child's special educational needs. Each parent of the child will receive a copy of the report, as will the school.

### **5. APPEALS**

Appeals can be made against Department decisions to make, or not to make, an assessment, or against Section 19 reports (including any proposal to amend or cancel a Section 19 report). Any appeal needs to be made in writing to the Department within 14 days of a notice regarding assessment, or receipt of a report. An Appeal Panel will be established by the Department, consisting of two or more people appointed by the Department, none of whom will have been involved in the assessment process. The Panel will hear the appeal as soon as practicable, giving parents 14 days' notice before the scheduled time and date of the hearing. Parents can attend appeal hearings, or have someone attend on their behalf. Parents will receive written confirmation of the outcome of the appeal hearing.

### **6. FURTHER INFORMATION / REQUESTING A SCHEDULE 4 ASSESSMENT**

If you have any questions, or would like further information, please contact:

**Shaun Morgan Ed.D**  
Department of Education and Children  
Hamilton House  
Peel Road  
Douglas  
IM1 5EZ

Telephone: 686085  
Email: s.morgan@doe.sch.im

If you wish to request a Schedule 4 Assessment, please make the request in writing to:

**Head of Legal and Administrative Services**  
Department of Education and Children  
Hamilton House  
Peel Road  
Douglas  
Isle of Man  
IM1 5EZ