

Educational charter: for young people with a brain tumour

This charter is based on relevant laws and statutory guidance in **Northern Ireland**, which protect the rights of young people with health needs or disability to:

- a good quality education
- access to the same opportunities at school/college as any other young person
- the provision of the individual support they need to achieve this

This charter will guide you on the support that young people have a right to receive and the timescales in which they should receive it. It can also be used by schools/colleges to help receive extra funding for support for the young person.

- Young people have a right to full-time education (or as much as their condition allows) despite disability or other health needs, regardless of where they are educated.
(This includes the right to the same opportunities in the whole of educational life, including school trips, physical education and other school activities).
- This right includes the provision of support to meet the young person's individual needs, including social and emotional needs.
- If a young person is ill or has to be in hospital for some time, the Education Authority must still provide the education the young person needs.
- The Education Authority /schools/colleges should work closely with medical professionals and the young person's family and consider medical evidence to set up a personal education plan. Parents have the right to a meeting with the Education Authority if they disagree with the Statement and to appeal to the Special Educational Needs (SEN) Tribunal if they think a decision is wrong and the matter cannot be resolved. They must ask for the meeting within 15 days of receiving the Statement.
(This is not the same as a Statement of Special Educational Needs, which may, or may not, be required. The personal plan, or the Statement if made, should be reviewed at least annually, or earlier if the young person's needs have changed).
- Young people should be involved in decisions from the start, in ways reflecting their age and maturity.
- Schools/colleges should inform parents where they are making special educational provision for their child.
- Parents have the right to request an assessment for special educational needs for their child.

- The Education Authority and schools/colleges should have a written, publicly accessible policy statement about their arrangements to comply with their legal duty to young people with special educational needs/ disability. It should be regularly reviewed.
- The Education Authority should have a named officer responsible for the education of young people with special educational needs.
- Schools/colleges should have a named person responsible for special educational needs. Parents should be told who these people are.
- Young people with special educational needs have a right to be taught in mainstream schools. If that is the wish of their parents and the interests of other children are protected.
- All types of schools have a duty to provide reasonable adjustments for disabled pupils, so they are not placed at a substantial disadvantage compared to those who are not disabled. The provision of auxiliary aids and services may be provided through the Special Educational Needs framework.
- It is the responsible body that must decide for itself what is reasonable in the circumstances of a particular school. Decisions made by responsible bodies are open to legal challenge.
- The governing body of the school/college must ensure that arrangements are in place to support pupils with medical conditions and that processes/policies are fully implemented.
- Staff working with the young person should have suitable training and be given suitable information about the young person's health condition and its possible effects.

- Relevant staff should be made aware of the young person's condition.
(This includes cover arrangements for staff absences and supply teachers).
- The school/college's policy should be clear about the procedures for managing medicines, including written records of all medicines administered.
- Free, independent mediation/adjudication services should be available to resolve disputes between the parents/young person and the education authority about the provision of education - where the school/college cannot resolve them.

Young person Any young person in nursery, school or college up to the age of 18 years.

Disability A physical or mental impairment which has substantial and long-term adverse effect on that person's ability to carry out normal day to day activities. Some specified medical conditions, including cancer (high grade tumours), are considered as disabilities, regardless of their effect.

Substantial adverse effect A limitation that is more than the normal differences in ability that might exist among people. It makes it more difficult and time consuming for the person to carry out an activity.

Long-term Lasting, or likely to last, for at least 12 months.

Education Authority Previously, Education & Library Boards.

Special educational needs Having a learning difficulty or a disability which calls for special educational provision to be made available i.e. has a greater difficulty in learning than the majority of children of the same age, or has a disability which makes it difficult for the child to use the same facilities as other children.

Learning difficulty If they find it much harder to learn than most children of the same age or has a disability which makes it difficult to use educational facilities in the area.

Responsible body Board of Governors in grant-aided schools, the Proprietor in independent schools, or the Education Authority (previously the Education and Library Boards) depending on which has the function in question.

For details about the legislation, see thebraintumourcharity.org/legal-framework-ni

The SEND Bill currently before the Assembly aims to give effect to the necessary legislative changes to support the policy for a revised SEN and inclusion framework. The objectives of the framework include increased transparency, reduced bureaucracy, and a focus on early intervention.

