

Subsidiary Legislation made or deemed to have been made under s.82.

**Children with Special Needs (Assessment Panel)
Regulations**

LN.1977/110

Commencement **11.8.1977**

Amending enactments	Relevant current provisions	Commencement date
LN. 1988/003	r. 3	1.2.1988
2009/062	rr. 1-2, 2A, 3-5	12.11.2009

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ARRANGEMENT OF REGULATIONS

Regulation

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3. Establishment of Special Needs Assessment Panel.
4. Objectives.
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Title.

1. These Regulations may be cited as the Children with Special Needs (Assessment Panel) Regulations.

Interpretation.

2. In these Regulations—

“panel” means the Assessment Panel established by regulation 3;

“school” means the school deemed most appropriate for the child’s needs.

Special Needs.

2A.(1) A child has “special needs” for the purposes of these regulations if he has a learning difficulty which calls for special educational provision to be made for him.

(2) Subject to subregulation (3) a child has a “learning difficulty” for the purposes of these regulations if—

- (a) he has a significantly greater difficulty in learning than the majority of children of his age; or
- (b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in government schools; or
- (c) he is under 15 years of age and is, or would be if special educational provision were not made for him, likely to fall within paragraph (a) or (b) when of that age.

(3) A child is not to be taken as having a learning difficulty solely because the language (or form of the language) in which he is, or will be, taught is different from a language (or form of a language) which has at any time been spoken in his home.

Establishment of Special Needs Assessment Panel.

3.(1) There is hereby established a Special Needs Assessment Panel (“the panel”).

(2) The panel shall consist of not less than eight persons, appointed by the Minister by notice in the Gazette, being persons who—

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- (a) are employed in—
 - (i) the Government department with responsibility for education;
 - (ii) the Government department with responsibility for social services (or a relevant agency); or
 - (iii) the Gibraltar Health Authority; and
 - (b) have knowledge and experience in the assessment, treatment and care of children with special needs.
- (3) Members of the panel shall hold office for such period and on such terms as may be specified in their instrument of appointment, and shall be eligible for re-appointment.
- (4) Notwithstanding anything contained in subregulation (3) the Minister may, in his discretion, terminate the appointment of any member of the panel at any time on the grounds of inability, neglect of duty, persistent failure to attend meetings or due to the person no longer being eligible to be a member by virtue of that person no longer holding an employment listed under subregulation (2)(a).
- (5) The Minister—
- (a) shall designate a member of the panel as Chairman;
 - (b) shall designate a member of the panel as Deputy Chairman; and
 - (c) may designate a public officer as Secretary to the panel.
- (6) The Chairman (or in his absence the Deputy Chairman) shall preside at all meetings of the panel.
- (7) Subject to the provisions of the Act and these regulations the panel shall regulate its own procedure.

Objectives.

4. The objectives of the panel shall be to co-ordinate all efforts aimed at the welfare and interests of children with special needs, by the Government, to liaise with and give guidance to voluntary organizations concerned with the welfare of such children and to stimulate and encourage interest in the welfare of such children.

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Duties.

5. (1) The duties of the panel in respect of every child with special needs referred to it shall be—

- (a) to receive, examine and assess such child;
- (b) to advise the Director on the education and training of such child;
- (c) to keep under review the progress of every such child; and
- (d) to co-ordinate all therapeutic treatment including medical, psychological and social treatment.

(2) Without prejudice to anything contained in subregulation (1) the panel may give advice to the parents or any other person who has custody of a child with special needs as to the care and treatment of such child.

(3) Notwithstanding anything contained in subregulation (1) the panel shall not be bound to carry out the duties imposed upon it by such subregulation unless it is satisfied that the parents of the child referred to it have been consulted, This subregulation shall not be construed as requiring the consent of the parents to the reference of the child to the panel.