



Parent Partnership Barnet



A Statement of Special Educational Needs explained

Supporting parents of children
with special educational needs

The statementing process can be a confusing one. We hope that you will find this booklet helpful. You can call Parent Partnership Barnet if you have trouble understanding this guide or if you have any other questions.



You may also find it useful to get a copy of the Special Educational Needs Code of Practice 2001 which provides greater detail on all points covered in this booklet. Contact the Department for Children, Schools and Families (DCSF) on **0845 60 222 60**.

- What is a statement of special educational needs?

A statement will describe all of your child's Special Educational Needs (SEN) and the special help that they will receive. The Local Authority (LA) will usually issue a statement if they decide after a statutory assessment that the special help your child needs cannot be provided from within school resources. These resources could include money, staff time and special equipment.

- Which team in the Local Authority will I be in contact with about the statement?

The team responsible for the statutory assessment and statementing process is the Special Educational Needs Performance Team (SEN performance team). Throughout the process you will be in contact with a member of the team called an Advocacy and Monitoring Officer (AMO). There will be an AMO linked to the school that your child attends.

- If the Local Authority has agreed to a statutory assessment, does that mean my child will definitely get a statement?

No. Once the LA have gathered all the information and advice about your child (including your own), they will decide whether or not to issue a statement of special educational needs. They will make a decision within 16 weeks of your original request for statutory assessment.

If the LA agree to a statement for your child, they will begin the process of writing it. They have 2 weeks to issue you with a proposed statement (a draft for you to look at).

If the LA decides not to issue a statement, they will write to you explaining their reasons. They will tell you how they think your child's needs can be met within school or in any other way. They may also provide you with a document called a Note in Lieu. This is similar to a statement as it will describe your child's needs but it does not come with any provision attached. If the LA makes this decision, you have the right to appeal to the Special Educational Needs and Disability Tribunal (SEND) – details at the end of this booklet.

- What should I do when I have got the statement?

You should receive a copy of the proposed statement 18 weeks after you made your request for statutory assessment. This is a draft of the statement. It is worth noting that there can be exceptions which may delay the issuing of the statement.

All parts of the statement will be filled in except Part 4 which describes the type and name of the school which your child will go to. Part 4 is the last part of the statement to be finished.

The Proposed Statement

The proposed statement (draft) is in 6 parts:

Part 1: Introduction.

Names and addresses of you and your child, and other details, including that it is a proposed statement.

Part 2: Special Educational Needs.

This part describes your child's special educational needs.

Part 3: Special Educational Provision.

The special educational help that is needed for all you child's difficulties and which must be provided.

Part 4: Placement.

(This will be blank for now)

The school, or other place, where your child must be educated.

Part 5: Non-Educational Needs.

Your child's non-educational difficulties.

Part 6: Non-Educational Provision.

The non-educational help that should be provided for your child.

The proposed statement must be accompanied by all the reports the LA has gathered during the assessment process. These reports are generally known as appendices.

It is important that you check the proposed statement to make sure you are happy with what it says.

How should I make sense of the proposed statement?

Look carefully at Part 2

When looking at the proposed statement, it is important to pay especially close attention to Part 2, because it describes your child's learning difficulties;

- Work through Part 2 sentence by sentence, highlight any points that you do not understand or do not agree with, make a note of anything that you feel has been left out.
- Work through all the reports (appendices), including your own, highlight anything that you do not understand, or do not agree with, as well as any evidence that you would question, make a note of any points that you feel have been left out of the statement.

Look carefully at Part 3

It is then important to look carefully at Part 3 of the proposed statement. Part 3 describes the help that your child will be given to meet the difficulties that are written down in Part 2;

- Work through Part 3 sentence by sentence, highlighting anything you do not understand or do not agree with, as well as any points about the help or equipment that are general or vague, and not specific and quantified.
- Look for anything mentioned in Part 2, that has not been covered in Part 3, and any strengths mentioned in Part 2 that will mean that some help and/or equipment in Part 3 is not needed. Is there anything you want to add to either Part 2 or Part 3?
- Work through all the reports, including your own, and highlight anything that you do not agree with or do not understand, and make a note of anything that you feel has been left out of the statement.

Do Parts 2 and 3 match the school that you have chosen?

The LA at this point is not allowed to mention, on the statement, any school which it has in mind. (You may know, off the record, whether the LA is likely to agree with your choice of school.)

Read Parts 2 and 3 again with this in mind and highlight;

- any points that suggest the sort of school you want
- any points that suggest a different kind of school

Remember, the LA has a duty to name a maintained school that can meet the educational needs of your child. If you make representations for a non-maintained school the LA must consider your representations but are not obliged to name an independent or non-maintained school.

Look carefully at Part 5

Is there anything mentioned in Part 5 that you feel causes your child difficulty with learning? If the answer is yes, tell the LA that you feel this is a learning difficulty and ask for it to be added to Part 2 of the statement, and ask for special help for this difficulty to be added to Part 3 of the statement.

Look carefully at Part 6

Is there any help mentioned that you feel is essential to your child's learning? If the answer is yes tell the LA that you feel this help is essential to your child's learning and ask for it to be added to Part 3.

This is very important because the LA must ensure that the help in Part 3 is provided. They do not have the same legal duty for Part 6.

What do I do if I am happy with the proposed statement?

You have 15 days from the day the proposed statement arrived to tell the LA the name of the school you want your child to go to and explain your reasons.

The LA then has to decide if the school you have chosen meets all of the following points:

- the school can meet your child's needs
- your child's education there is not incompatible with the education of other children
- it will not be an inefficient use of public money and resources

If all three points are satisfied and the school that you have chosen is a mainstream state 'maintained' school, then the LA must decide that your child will attend the school that you have chosen.

The LA does not have to name the school of your choice if:

- it is a Special School
- it is an Independent School (mainstream or special)

If you wish your child to go to a maintained special school

You must look for evidence in the statement that shows that this is the only place where their needs will be met. If the LA disagrees you should try and mediate with them. If this fails you should get the statement finalised with the name of a mainstream school on it and then appeal to the SEN Tribunal.

If you wish your child to go to an independent, non-maintained (private) school

You can agree to pay the fees yourself and the LA will consider whether it will pay for the SEN provision detailed in the statement. If you wish the LA to pay the fees you must prove that this is the only school that can meet your child's needs as outlined in the statement, above and beyond any other LA school. If the LA disagrees you should try and mediate with them. If this fails you should get the statement finalised with the name of a maintained school. At this stage you may want to consider appealing to the SEN Tribunal.

Please contact Parent Partnership Barnet if you are unsure what to do in either of these situations.

What do I do if I am not happy with the proposed statement?

If you are not happy with the content of the statement, you can send your comments in a letter or you can ask for a meeting with the LA.

You have 15 days to send your comments to, or meet with the LA .

If you feel you would benefit from receiving help to draft letters, or need support during meetings, then Parent Partnership Barnet caseworkers will be happy to help.

Meeting an LA officer

This is your opportunity to put forward your views to the AMO regarding the changes you would like made to the statement. Remember to tell the AMO the reasons why you feel these changes should be made.

At the meeting:

- You can take a friend or support worker with you, someone from Parent Partnership Barnet can attend with you if you would like.
- Go through your letter/reasons point by point.
- If there is anything that you do not understand, ask for it to be explained, and if you still do not understand, ask again.
- Write down any changes to the statement the officer has said they will make, and check the wording with them at the end of the meeting.

Straight after the meeting: send a letter to confirm the changes that were agreed during the meeting.

Not happy with the reports in the appendices?

If you are not happy with some or all of the reports that have been written and used as part of the process you could;

- speak to the officer who wrote the report and ask for changes to be made.
Always explain why you feel this way
- get an independent report of your own
- point out where there are differences between the report and the reports of others (including your own)
- point out any 'evidence' that you do not agree with
- if you have been able to get a report which differs from the report in question show it to the officer.

If the officer agrees with you, ask them to amend their report and send it to the LA immediately.

Getting an independent report

This may mean just asking a sympathetic professional – perhaps your doctor, or a previous teacher or playgroup worker – who knows your child, to write a report.

If you feel you need an independent report:

- be aware of the possible cost, and problems such as the length of time it will take
- contact a specialist voluntary organisation for advice.

Making the final comments

After the last of these meetings, if you are still not happy with the statement, you have 15 days to tell the LA why you still disagree;

- Put your final comments in writing
- Send in any new reports
- Decide if you want to ask for a final meeting to try to get agreement.

But remember

Once you have requested more than one meeting, this can lead to an exception to the 8 week time limit for producing the statement. Once this has happened there are no legal time limits, although the Code of Practice says that the process should be completed as soon as possible. (COP 7:93).

- What happens after the proposed statement?

Within 8 weeks of issuing the proposed statement, the LA must:

- produce the statement of special educational needs - unchanged except for the addition of the name of the school OR
- produce the statement of special educational needs with changes including the name of the school.

Once the statement is complete it will be signed by the LA and will immediately take legal effect. The statement will not be signed by you; it is not a joint document.

The LA must send you a signed copy with all the reports attached, and tell you about your rights of appeal.

You may appeal to Special Educational Needs and Disability Tribunal (SEND) within two months if:

- you disagree with any points made in the statement, or if you want to add any points to the statement
- you disagree with the school named in the statement, or if no school has been named in the statement.

If you are thinking of appealing about anything in the final statement, it is worth contacting Parent Partnership Barnet for advice, guidance and support. There is an information booklet available regarding appeals.

Other sources of help / information

Advisory Centre for Education (ACE)

ACE is a national charity that provides independent advice for parents and carers of children aged 5-16 in state-funded education. ACE aims to provide the information, support and high-quality advice that parents need to help their children at school, particularly where there are problems.

1c Aberdeen Studios
22 Highbury Grove
London N5 2DQ

General advice line: freephone **0808 800 5793** (Mon - Fri 10am - 5pm)

Email: enquiries@ace-ed.org.uk

Special Educational Needs & Disability Tribunal

2nd Floor Old Hall
Mowden Hall
Staindrop Road
DL3 9BG

SEN helpline: **0870 241 2555**

Web: www.sendist.gov.uk

Department for Children, Schools and Families (DCSF)

Sanctuary Buildings
Great Smith Street
London
SW1P 3BT

Tel: **0870 000 2288**

Web: www.dcsf.gov.uk/sen

If you need any further advice or support please
contact Parent Partnership Barnet:

020 8359 7637

020 8359 7694

020 8359 7714

020 8359 7592

020 8359 7272

email: parent.partnership@barnet.gov.uk