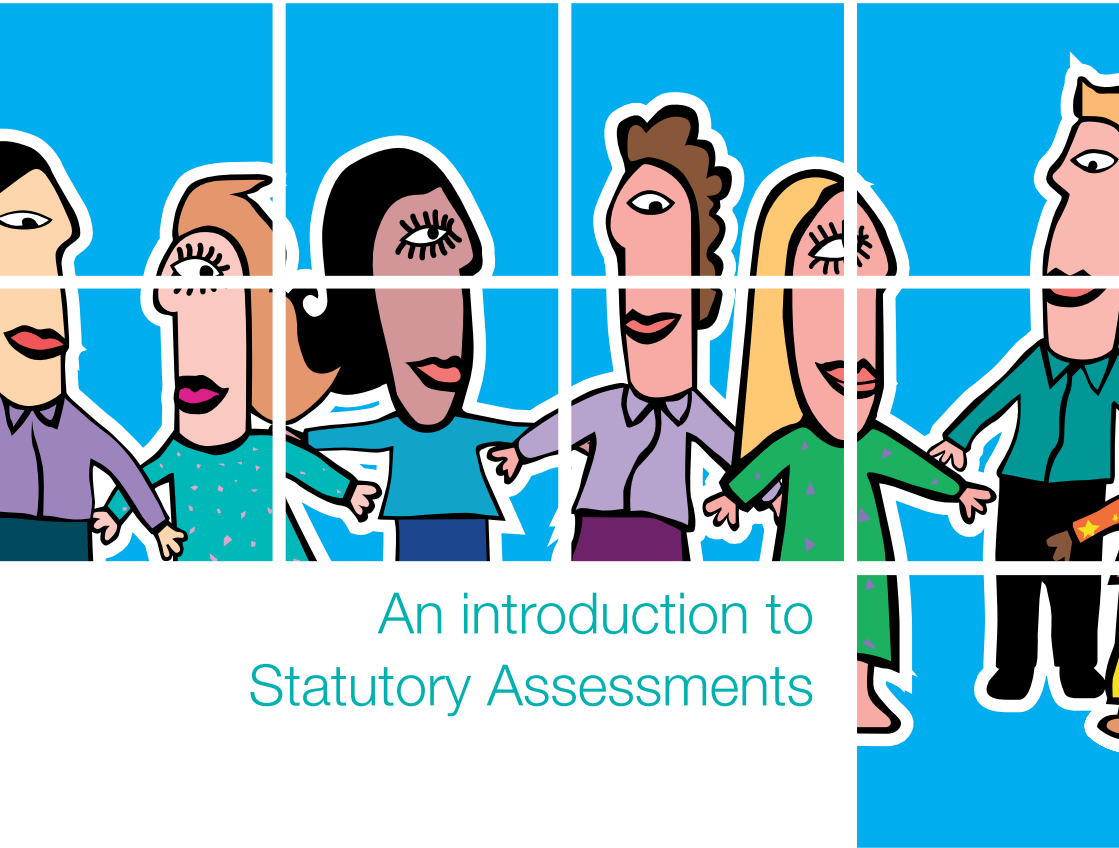


Parent Partnership Barnet



An introduction to Statutory Assessments

Supporting parents of children
with special educational needs

The process of applying for a statutory assessment of your child's Special Educational Needs (SEN) can be a confusing one. We hope that you will find this booklet helpful in making your decision about whether or not to request a statutory assessment. 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.

This provides greater detail on all points covered in this booklet. Contact the Department for Children, Schools and Families (DCSF) on **0845 60 222 60**.

The Assessment Process

Under Section 323 of the Education Act 1996 you have the right to request that the Local Authority (LA) where you live, carry out a statutory assessment of your child's special educational needs.

You can do this even if your child is educated in a school outside the borough in which you live. You can make this request individually, jointly with your child's school or the school can make it. Schools should tell you if they are asking the LA for a statutory assessment for your child. Similarly you should always talk to your school before making the request as the school will be able to help you gather all the information you need to support one.

What is a Statutory Assessment?

When you request a statutory assessment you are asking the LA to carry out a formal assessment of your child's special needs during which it will consider whether your child needs a Statement of Special Educational Needs. Your child may already have been assessed by an Educational Psychologist, an Advisory Teacher and teachers within the school. This is NOT a Statutory Assessment.

If a statutory assessment is granted, on receipt of all information acquired as part of the formal assessment, the LA will decide whether to issue either:

A Statement of Special Educational Needs which is a document that describes your child's special needs and the help that s/he should receive in school. Statements are "banded" so that your child will be allocated a number of additional hours of a Teaching Assistant's support (in mainstream classes) and/or additional resources to meet the identified needs.

or

A notice that they will not make a statement and explain their reasons.

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.

When should I request a Statutory Assessment?

You should request a statutory assessment if you are concerned about your child's progress and you feel that the school has done everything it can to help your child but s/he is still not making any progress and/or is significantly behind for their age.

There are no hard and fast categories of special educational need. Each child is unique; the requirements of the individual child should be looked at. However, children will have needs which may fall into at least one of four areas. The impact of these combinations on the child's ability to function, learn and succeed should be taken into account.

The areas of need are:

- communication and interaction
- cognition and learning
- behaviour, emotional and social development
- sensory and/or physical

You can request an assessment for medical conditions if these affect your child's ability to access the curriculum in school and have an impact on their learning. However, you should only request an assessment after you and the school are both satisfied that the resources normally available to the school to meet your child's needs in terms of both provision and advice have been exhausted.

This will mean that in almost all circumstances your child will have been placed on the school's Special Needs Register at "School Action" or "School Action Plus" and will have had an Individual Education Plan (IEP).

Remember: You have the right to make the request even if the school does not agree that your child needs more help than they can provide. However, the school will be asked for evidence of your child's needs by the LA, so it is preferable to make a joint request.

If you do not know what School Action or School Action Plus are, or if you are not sure whether your child has been put on these stages, you should contact either the school or Parent Partnership Barnet before you make your request for a statutory assessment.

Parent Partnership Barnet has a guide on School Action and School Action Plus so please contact us if you would like to receive it.

Will the LA agree to assess my child?

The LA will only agree to carry out a statutory assessment if it believes that:

The child has been receiving all the extra support possible at School Action Plus, including the support of external experts, but has not made progress and is unlikely to do so, because their needs are severe, lifelong and complex;

or

The child's needs are only likely to be met and progress made as the result of much additional effort by the school at a sustained level above School Action Plus.

The London Borough of Barnet publishes its criteria for assessing whether children need statutory assessments or not. These are included in this booklet.

The Complex Needs Panel

The LA will consider very carefully all the evidence you and the school submit against these criteria at the Complex Needs Panel that meets every Friday during term time. The Panel is made up of a representative head teacher, senior LA Children's Service and Primary Care Trust staff, a representative SENCO and is chaired by the Deputy Director of Inclusion.

When a parental request or school request is received, the LA must look into the child's difficulties, to decide whether a statutory assessment is necessary.

The LA will look at:

Whether there is evidence that the school, with the support of experts, has already given your child suitable help and despite this your child still has difficulties.

And/or

Whether your child needs the sort of help which can only come through a Statement, because the school cannot be expected to provide it from their own resources.

This is called 'considering the case for a statutory assessment'.

The Local Authority will look at evidence of your child's learning difficulties from you, the school and other professionals, It will check that the school has followed the National Curriculum and adapted it to suit your child's learning needs. Below, you will find the full criteria for statutory assessment used in Barnet.

If you need help understanding these please contact Parent Partnership Barnet.

Statutory Assessment

Criteria for Children and Young People

In the Borough of Barnet the main criterion for statutory assessment is that a child should be experiencing lifelong, complex and significant difficulties in learning, which are of such a nature and severity that a mainstream school would not ordinarily have the resources to meet her/his needs.

Requests are evaluated against the following range of criteria:

- Are the child's needs lifelong, severe, and complex such that a statutory assessment is called for?
- Has there been any previous multi-disciplinary assessment that has informed and guided planning in meeting the child's needs? What has changed since that assessment was done?
- Is there evidence of purposeful, systematic and structured teaching and intervention over a period of time? If so, what progress has the child made?
- What do the Individual Education Plans (IEPs) tell us? Have there been IEP reviews, and has each of these led to a re-evaluation and re-appraisal of what is needed to make a difference?
- Are the resources that have been put in place of sufficient quality and quantity for the child's SEN to be met?
- Is there evidence of consultations with parents, psychologists, teacher advisors and other agencies – as required at School Action Plus? If so, how far has advice been implemented and has this been given a sufficient chance to work? What is outstanding?
- Has the child been consulted? What are his/her views as far as can be ascertained?
- Has the school made effective use of all the services available, e.g. Outreach? Is evidence available to show that they have made a difference in the child's learning and other circumstances, e.g. behaviour?

- What other services could be provided quickly to schools, and without waiting for statutory assessment to enable them to increase the level and impact of their intervention?
- What do the records and reports tell us about the quality and efficacy of the intervention? If there are gaps, what are these, and how can they be remediated?
- Have schools demonstrated that all the pre-statutory options have been exhausted? What difference has their intervention made?
- What will be the purpose and benefits of statutory assessment? Will these make a difference to the child?
- Is there evidence that there have been some returns from SEN investments? In proportion to the funds allocated, what evidence is there to show that children are making progress? What else can be done to reinforce and reward successful practice?
- What are the perspectives, aims and wishes of key stakeholders? How can their involvement be used to promote the child's best interests?
- Does the statutory assessment request include all the required, relevant and up to date documentation and evidence? How does it fit in with the child's immediate, short and medium term requirements?
- How does the evidence presented by the school match up to the criteria detailed in the DfES Code of Practice and other relevant guidance?
- In what way has such guidance informed decision making at school or early years setting?

What should I include in a request for a Statutory Assessment?

Here is an example of a sample letter that you could send to the LA:

Dear SEN Team Manager,

I am writing to ask you to assess the Special Educational Needs of my child [give child's full name] under section 323 of the Education Act 1996. I am making this request as is my right under Section 329 of the Act.

[Give your child's date of birth and name of nursery/school/college etc. here]

My reasons for believing that my child needs a statutory assessment are:

[Give reasons that show why you feel your child needs more help than is available to them in school currently. You will be able to send a more detailed report later and include other reports from professionals. You should give the names and addresses of any professionals that you would like the LA to contact for more information.

If you are attaching any letters or reports to your request, make sure these are recent (under 12 months old) and do not send originals, just copies. It is particularly important to include evidence of any diagnosis your child may have and the date of this.

If there are any appointments pending, it could be a good idea to await the outcome prior to sending your request, so that the most up to date information reaches the Panel when it is considering your request].

Yours sincerely

Once they have received your (or the school's) request, the LA will set a date for the case to be considered at the Complex Needs Panel.

The SEN Performance Team will contact you and notify you of this date and the name and contact number of your Advocacy and Monitoring Officer (AMO).

Panel papers are copied and circulated a few days prior to the meeting, so it is best to ensure the Special Educational Needs Performance Team receives any additional information in good time.

You may be able to submit further information up to the date of the Panel meeting but it is a good idea to liaise with the AMO handling your request, to ensure this is possible.

Parent Partnership Barnet can liaise with the SEN Performance Team on your behalf if you need us to do so. We can also help you to gather any information you want the Panel to see, as can your school's Special Needs Coordinator (SENCO).

What part do I play in the assessment of my child's needs?

It is important you send the LA your views on your child. You know your child best. This information is often referred to as parental advice. The guidelines below should help give you ideas of what you might want to write about. Parent Partnership Barnet caseworkers or volunteers can also help if you would like.

Guidelines for writing 'Parental Advice'

You do not have to follow these guidelines if you do not want to, you can arrange to present information in anyway that you feel to be appropriate.

- **What was your child like in their early years?**
 - What do you remember about your child's early years that might help?
 - What was your child like as a young baby?
 - Were you happy about progress at the time?
 - When did you first feel that things were not right?
 - What happened?
 - What advice or help did you receive – and from whom?

- **What is your child like now?**

- General Health? (Eating and sleeping habits: general fitness, absences from school, minor illnesses – coughs and colds. Serious illnesses/accidents – periods in hospital. Any medicine or special diet? General alertness – tiredness, signs of use of drugs – smoking, drinking, glue-sniffing.
- Physical Skills? – Walking, running, climbing – riding a bike, foot ball or other games, drawing pictures, writing, doing jigsaws, using construction kits, household gadgets, tools, sewing.
- Self Help? – Level of personal independence – dressing etc; making bed, washing own clothes, keeping room tidy, coping with day-to-day routine; budgeting pocket money, general independence – getting out and about.
- Communication? – Level of speech –explaining, describing events, people, conveying information (e.g. messages to and from school), joining in conversations, using telephone.
- Playing and Learning at Home? – How does your child spend time – watching TV, reading for pleasure and information, hobbies, sharing.
- Activities Outside? – Belonging to clubs, sporting activities, happy to go alone.
- Relationships? – With parents, brothers and sisters; with friends; with relations; with other adults at home; 'outside' generally. Does your child mix well or stay on his/her own?
- Behaviour at Home? – Co-operating, sharing, listening to and carrying out requests, helping in the house, offering help, fitting in with the family routine and 'rules'. Moods good and bad, sulking – temper tantrums, affectionate.
- At School? – Relationships with other children and teachers; progress with reading, writing, numbers, other subjects and activities in school. How has the school helped? Have you been asked to help with school work – with what result? Does your child enjoy school? What does your child find easy or difficult?

- **What are your general views?**

- What do you think your child's special educational needs are?
- What sort of educational help do you feel your child should receive?
- How do you think these can be best provided for?
- How do you compare your child with others of the same age?
- What is your child good at or what does your child enjoy doing?
- What does your child worry about? Is he/she aware of difficulties?
- What are your worries or concerns?
- Is there any other information you would like to give about the family, perhaps major events you think might have affected your child?
- With whom would you like more contact?
- How do you think your child's needs affect the needs of the family as a whole?

- **Additional information?**

The following suggestions are a guide to help you with any relevant paperwork:

- Attach any reports from other professionals that you would like the Local Authority (LA) to consider.
- Are there any professionals you would like the LA to contact for advice? If so, please provide their names and addresses.
- Are there any other reports about your child that you would like the LA to consider?

- **Your child's views? (if appropriate/applicable)**

The following questions are a guide to help with your child's views:

- Does your child realise that he/she has difficulties? If so, what are your child's views on how they would like to be helped in school?
- How has your child told you their views?

If English is not your first language and you would like help with writing any letters to the Panel, contact Parent Partnership Barnet and we will arrange some help for you.

You should remember that the main thing you are trying to show in your evidence is that your child is experiencing lifelong, complex and significant difficulties in learning, which are of such a nature and severity that a mainstream school would not ordinarily have the resources to meet his/her needs.

What information will my child's school/ early years setting provide?

The school / early years setting that your child attends will also be asked to submit evidence. The Code of Practice Section 7:13 details the evidence that they submit should include:

- the views of the parents recorded at School Action/School Action Plus (or Early Years Action/Action Plus)
- the ascertainable views of the child
- copies of most recent IEPs at School Action/SchoolAction Plus
- evidence of progress (or lack of) over time
- copies of recent advice from health and social services (where applicable)
- evidence of the recent involvement and views of professionals, with relevant specialist knowledge and expertise outside normal competencies of the school or setting, e.g. Educational Psychologist
- evidence of the extent to which the school or setting has followed the advice provided by professionals with relevant specialist knowledge.

You are entitled to ask the school's SENCO to show you this information if you would like to see it.

What happens next?

Once you have requested the statutory assessment, the LA has 6 weeks from receiving your written request to decide whether or not it will carry it out.

Within 6 weeks, the LA will notify you in writing of whether it has agreed to carry out a statutory assessment or not.

Once you have received a decision you can contact Parent Partnership Barnet for further advice. If an assessment has been agreed, we can provide you with a free booklet explaining a Statement of Special Educational Needs which the LA may or may not decide to issue for your child. If an assessment has not been agreed, we can discuss the next steps and options available to you.

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