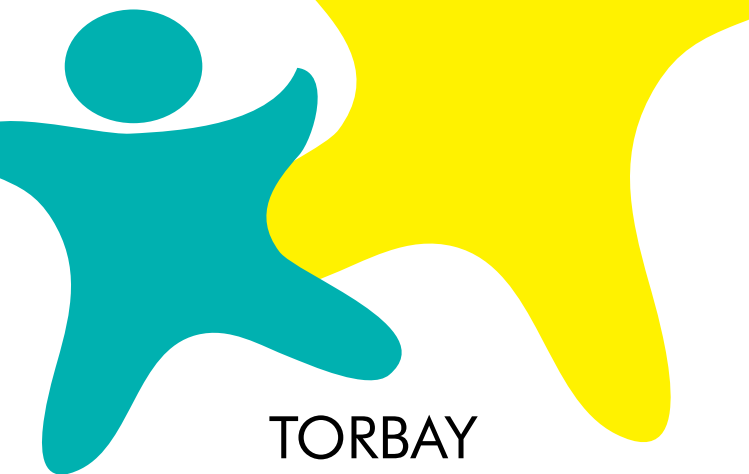


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# Statutory Assessments and Statements of Special Educational Needs

A Guide for Parents and Carers

Parent Partnership Service



TORBAY

Special educational needs and disabilities



Children's SERVICES

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## What is Statutory Assessment?

Statutory Assessment is a very detailed assessment of your child under the Education Act 1996. It will include reports about your child from a number of people, including you, your child's teachers, an educational psychologist, health, social care and others who work with or support your child. This assessment will identify your child's needs and any special provisions that he/she may require.

## When may a Statutory Assessment be carried out?

If the School or Early Years setting cannot meet your child needs under Early Years/School Action, and Early Years/School Action Plus, or if your child's needs change dramatically (eg. For health or social reasons).

## Who can ask for Statutory Assessment?

### The School or the Early Years setting

When there are concerns about the progress your child is making with the support available at Early Years/School Action Plus. The Early Years setting or School will consult with you before they make the request. If the Early Years setting the School ask for a Statutory Assessment, the Local Authority (LA) will write and ask whether you agree and also whether you would like to send in any supporting information.

### Parents

If you feel that your child's needs are not being met through Early Years/School Action Plus, you can write a letter to the Local Authority requesting a Statutory Assessment. It is a good idea to discuss this first with your child's Early Years

setting or School. You may also wish to talk it through with the Parent Partnership Service.

If you ask for Statutory Assessment, the LA will write to:



- your child's school asking them to send in any information about his/her needs;
- you asking if you have any further information, which may include reports from other agencies such as health or social services;
- a number of other people to notify them that the LA may ask for their advice about your child's needs.

## **What happens after the request for Statutory Assessment?**

After considering all the information sent to them, the LA may decide either:

- that a Statutory Assessment is not needed, as your child's special educational needs can continue to be met appropriately through the support available at Early Years Action Plus or School Action Plus;
- to proceed with a Statutory Assessment;
- they require more detailed information about your child's special educational needs.

The LA will write to you to explain their decision within 6 weeks of receiving the request.

## **What if it is decided that my child can be supported at Early Years/School Action Plus?**

If the LA decides not to start a Statutory Assessment, they will inform you that you have a right to appeal to the Special Educational Needs (SEN) and Disability Tribunal and offer you:

- an opportunity to talk things through with the LA or the Parent Partnership Service. This may help you to understand why this decision has been made and understand how your child's special educational needs can be met by the school;
- access to independent disagreement resolution.

## What happens if the LA agrees to carry out a Statutory Assessment?

When the LA informs you of the decision to proceed with Statutory Assessment they will tell you about the people who will be able to provide you with information and support. At this time the LA will also ask you if:

- you want to provide them with more detailed written information. Your involvement is important because you know your child best;
- you would like someone from Torbay's Parent Partnership Service to offer information and to support you with the Statutory Assessment process.

## Who will assess and provide information about my child?

When your child has an assessment, anyone assessing your child will inform you in advance. During the Statutory Assessment, the LA will ask for information from:

- you;
- your child;
- your child's school;
- an educational psychologist;
- health professionals such as doctor, occupational therapist, speech therapist, physiotherapist or health visitor;
- social care;
- other agencies as appropriate.

Your child's views are an important part of the information. If your child needs support to give their views to the LA, you, a teacher or another professional can help. It is very helpful if you include your child's views in your own contribution.



The LA will send you copies of all the reports when the Statutory Assessment is completed.

## What happens when all the information has been collected?

When the LA has received and considered all the information, they will either:

- write to you explaining their reasons for not issuing a Statement of Special Educational Needs and issue a Note in Lieu; or
- issue a proposed Statement.

## What is a Note in Lieu?

A Note in Lieu is a note which outlines your child's special educational needs and makes recommendations about provision, so that you and the school can be sure that they are met and the LA explain why it has decided not to issue a Statement. Parents have the right to appeal against the LA's decision not to issue a Statement through the SEN and Disability Tribunal and/or local disagreement resolution arrangements provided through independent mediators.

## What is a Statement of Special Educational Needs?

A Statement is a legal document that identifies your child's needs and the provisions, which will be made in school for them. A Statement is only issued if the school or Early Years setting cannot reasonably provide for your child's needs. A Statement has six parts:

**Part 1** important details about you and your child

**Part 2** details your child's special educational needs as identified during the assessment.

**Part 3** describes:

- The long term objectives to be achieved by that special help;
- The provision the LA thinks your child should receive to meet their needs;

- The arrangements to be made for setting short-term targets and regularly reviewing your child's progress towards those targets.

**Part 4** names the school where the provision will be made or the LA's arrangements for provision if this is not to be in school.

**Part 5** gives details of the relevant non-educational needs your child may have as agreed between other agencies and the LA.

**Part 6** describes how your child will get the help required to support their non-educational needs.

## What happens when a Statement has been prepared for my child?

Before the LA's SEN Officers write a final Statement, they will send you a 'proposed Statement' – that is, a draft of the Statement. All the parts listed above will be filled in, except Part 4 (describing the type and name of the school), which will be left blank.

You have a right to say which school you would like your child to go to. This can be the school your child already attends.

The LA must agree with your preference so long as:

- The school is suitable for your child's age, ability, skills and special educational needs;
- Your child's presence will not damage the education of other children already at the school;
- Placing your child in the school will be an efficient use of the LA's resources.

If you have any questions or concerns about the proposed Statement, you can discuss these with an LA Officer and the Parent Partnership Service.

With your copy of the proposed Statement the LA will send you a letter telling you how you can give your views on the proposed Statement before it is finalised. Your views will be welcome.

The LA will ask you to name your choice of school and approve the proposed Statement.

## When will I get my child's final Statement?

The LA will send you a copy of the Statement and it will have Part 4 filled in with the name of a school.

The Statement comes into force as soon as the LA makes it. From that time, the LA must provide your child's school with any extra resources that the school needs. The school's governors must do their best to make sure that your child gets the special educational help set out in the Statement.

If you have not been able to reach an agreement, the LA will finalise the Statement. You will be able to ask for independent disagreement resolution and you can also appeal to the SEN and Disability Tribunal.

## How long will all this take?

**6 weeks** The LA receives the request and decides whether or not to proceed with a Statutory Assessment.

**10 weeks** The LA carry out a Statutory Assessment

**2 weeks** The LA decide whether to issue a Statement or not issue a Statement and:

- Issue the proposed Statement; OR
- Explain their decision not to make a Statement and issue a Note in Lieu.

**8 weeks** If a proposed Statement has been issued, the LA:

- Consult with parents on it
- Send out the final Statement

**TOTAL = 26 WEEKS**

There are some exceptions to this timescale. (*SEN Code of Practice, Annex A Part II 12:7*).

## What will happen once the Statement is issued?

The school will draw up a new Individual Education Plan (IEP) to set short-term targets. You will be involved in this process. The school will review the IEP together with you and your child, at least twice a year.

Every year the LA will also review the Statement. This is called an Annual Review and it looks at your child's needs and longer-term targets.

When your child moves to another school information will be passed to the new school. The LA will consult with you to amend Part 4 of the Statement.



If you require this leaflet in a different format or language, or want further information and support, please contact:

**For children who do not have a statement** of special educational need contact: Maddalena Cawse on 01803 559765 or [torbaypps@fsmail.net](mailto:torbaypps@fsmail.net)

**For children who already have a statement** of special educational need or are in the statutory assessment process contact: Marianne Lewis on 01803 208239 or 07788684965 or email [marianne.lewis@torbay.gov.uk](mailto:marianne.lewis@torbay.gov.uk)