

A Parents' Guide to Statutory Assessment and Statements of Special Educational Need

Stockport Parent Partnership Service



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STOCKPORT
METROPOLITAN BOROUGH COUNCIL

Children & Young People's Directorate

Parent Partnership Service

Stockport Parent Partnership Service provides independent information, advice and support to all parents and carers of children with special educational needs (0-19 yrs). Practical help with explaining the assessment process and letter writing is offered as well as individual support to discuss concerns and ensure that the appropriate Children's Services are involved and aware of the parents' / carers' views.

Stockport Parent Partnership aims to enable parents and carers to effectively take an active role in the education of their children with special educational needs. A newsletter 'Partners' is published termly. The service also hosts meetings of the "Parents' Forum" which promotes discussion between parents, carers and local authority officers and where information about new policies and initiatives can be shared.

Contact: Sonia Florent
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12 School Lane
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Fax: 0161 431 4322
Email: parentpartnership@togethertrust.org
Website: www.togethertrust.org.uk

A free interpreting service is available if you need help with this information.
Please telephone Stockport Interpreting Unit on 0161 477 9000
Email: eds.admin@stockport.gov.uk

如果你需要他人為你解釋這份資料的內容，我們可以提供免費的傳譯服務，請致電
0161 477 9000 史托波特傳譯部。

W przypadku gdybyś potrzebował pomocy odnośnie tej informacji, dostępne są usługi
tłumaczeniowe. Prosimy dzwonić do Interpreting Unit pod numer 0161 477 9000.

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0161 477 9000

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واحد ترجمہ (اینترپرائٹنگ یونٹ) ما تماس بگیرید۔

تنوفر خدمت ترجمہ شفویة اذا تطلبت مساعدة في فهم هذا المعلومات۔ نرجو الاتصال اربن رینیول علی رقم
الهاتف: 0161 477 9000

If you would like this information in large print, on audio tape, in Braille
or on disk, please contact us on 0161 474 3813 for a copy.

Booklet produced with acknowledgement to Trafford Parent Partnership Service.

Introduction

This guide is one of a series of booklets written to give parents and carers information on how we assess and meet children's special educational needs (SEN).

This guide explains the following.

- The formal procedures for assessing whether your child has special educational needs.
- Statements of SEN.
- Your right to appeal if you are not happy with the extra help and support your child is being offered.

You and your children have rights which are set out in law. Stockport Local Authority (LA) has very clear rules to follow for understanding a child's SEN, and for deciding on the support your child may need.

The process has set time limits, and there may be some terms you are not familiar with. We have tried to explain this process as clearly as possible. We hope you find the guide helpful and welcome any comments you may have on how we can improve it in the future.

1. What is a statutory assessment?

A statutory assessment may include reports and results of tests carried out by Education, Health and Social Care staff from Stockport LA to find out exactly what your child's SEN are, and what educational help they will need.

2. Who needs a statutory assessment?

Most children with SEN will not need a statutory assessment. Their needs will be met by schools and early years settings. This may include independent providers. (Early years settings may include private day nurseries, children's centres, registered childminders, playgroups, school nursery classes and creches.)

Only a very small number of children will need a statutory assessment to decide what extra support and help they will need.

3. Who can ask for a statutory assessment?

Parents or carers, or schools, can all ask for a statutory assessment.

The LA will look at the information and decide whether to start a statutory assessment. They have six weeks to decide this. They will need to write to professionals involved with your child, such as school staff, to get extra information before they can reach a decision.

4. What should I do if I want to ask for a statutory assessment from Stockport LA?

The first thing to do would be to ask the school if they are willing to ask for a statutory assessment for your child, as most requests come from schools. The school may feel that they do not have enough information to ask for a statutory assessment, but may be happy to support your request. You may also ask for a statutory assessment if your child has not yet started school but has medical and/or learning difficulties.

You should write a short letter to:

Special Needs Team c/o Children & Young People's Directorate, 3rd Floor, Stopford House, Town Hall, Stockport SK1 3XE

Tel: 0161 249 4453

You should include your child's full name, date of birth, address and the name of the school they go to, and ask the LA to consider carrying out a statutory assessment of your child's SEN.

The LA will send you a questionnaire to fill in.

- You need to give as much detailed information as you can about your child's difficulties and include any medical reports or school review notes that might help.
- You will need to be able to say how your child is struggling and if the school agrees that there is a problem with your child's learning at school.

The LA will consider your request and the information you have sent and decide whether to start a statutory assessment. The LA has six weeks to decide and they will write to you to tell you of their decision.

Please contact us on 0161 431 3024 if you need help filling in this questionnaire, or deciding which information or reports to send.

5. What if I don't agree with the school or other professionals who ask for a statutory assessment?

Stockport LA has a legal duty to assess pupils' SEN. The assessment is usually done with your support.

In very rare cases, the assessment may go ahead without you agreeing to it. If you are concerned about the assessment, you can discuss this with your child's school or contact us on 0161 431 3024.

6. What if Stockport LA decide not to start a statutory assessment?

The LA will write to you, and give their reasons for their decision and set out what will need to be done to meet your child's needs.

If you are not happy with the decision, you can contact the Special Needs Team to discuss this.

If you are still not happy, you could think about making a request again in six months' time.

Mediation Service – We always offer families the opportunity to access the Education, Consultancy and Mediation Service. This is an independent service with the aim of mediating between parents and the Local Authority in order to resolve any difficulties.

The Mediation Service does not affect your right to appeal to the SEN and Disabilities Tribunal, Mowden Hall, Staindrop Road, Darlington DL3 9BG, or the timescale involved with this process.

If the LA will not carry out a statutory assessment of your child's SEN, you may want to apply to the SEN Tribunal. You will need to apply to the SEN Tribunal within two months of receiving the decision letter, details of which were included in the letter the LA sent to you advising of the decision.

You can get booklets and forms from the Special Educational Needs Team or us. You can also contact the SEN Tribunal direct by phoning 01325 391047 or through the website at www.sendist.co.uk

7. How long does a statutory assessment take?

The SEN Code of Practice 2001 have set out the following time limits.

6 weeks	The LA consider the request and decide whether to carry out a statutory assessment
10 weeks	The LA make an assessment and decide whether to: Make a statement or Not to make a statement
2 weeks	The LA will: Issue the draft statement or Explain their decision not to make a statement and send a note-in-lieu
8 weeks	The LA will send out the final statement
Total	26 weeks

The LA will send you a copy of what they want to include on your child's statement of SEN. They will ask for any comments you may have, before they finalise the statement. You will have 15 days to return the reply slip the LA included with the proposed statement.

There are a number of reasons why your child's assessment may take longer than the 26-week guide, (for example, if a report arrives late). The Special Needs Team will let you know if there are delays in the assessment.

8. Will the assessment involve tests or examinations?

Your child may need to be seen by a number of professionals such as a doctor, an educational psychologist or a speech therapist. You will always be invited to these tests or examinations and told about any results.

Your views are very important throughout this assessment.

The LA will send you copies of all reports when the assessment is finished.

9. What happens after the assessment is finished?

The LA will look at the information and advice they have received about your child. They will decide whether to issue a statement of SEN.

They will write to you giving details of their decision. This will include information about whether they have decided your child needs a statement of SEN. They will also include information about whether your child needs extra support in school or early years setting. In some cases, they may suggest that another school may be able to support your child better.

Sometimes the LA give a note-in-lieu instead of a statement of SEN, as they think that the school can support your child's needs without a statement of SEN. For more information about the note-in-lieu, see Section 14.

10. What is a statement of SEN?

A statement of SEN is a document that describes all of your child's needs and all the extra help that the LA will provide to meet those needs.

A statement is a legal document that is set out in six parts.

Part 1 – Introduction

Part 2 - Special Educational Needs

Part 3 – Provision

Part 4 – Placement

Part 5 - Non Educational Needs

Part 6 - Non Educational Provision

Parts 2, 3 and 4 are legally binding. Parts 5 and 6 are not legally binding and you cannot appeal to the SEN Tribunal about what support is in these parts.

11. What should a statement of SEN say about support?

Part 2 is a full description of all of your child's learning or physical difficulties.

Part 3 is information about the support needed to meet your child's needs, including any extra resources and specialist services.

Your child's school will have been given an amount of money each year to support children with SEN in school. This money could be used for individual support in class, support at lunchtime or breaks. It could also be used for speech and language therapy, physiotherapy or occupational therapy support.

The special needs staff at your child's school will be asked to write an Individual Education Plan (IEP) showing how they intend to meet your child's needs. They will send the IEP to the Special Educational Needs Team, and also to you.

12. What is a proposed statement of SEN?

A proposed statement of SEN describes all of your child's needs and all the extra help that will be provided, and includes copies of reports and advice that have been collected. You will be asked if you are happy with the statement of SEN.

The proposed statement will not contain the name of the school in part 4.

You have 15 days to tell the LA about any comments you have about the statement, and which school you would like your child to go to. It is important to look through the statement carefully and make sure that the description of your child's needs and support to meet these needs is clear. If you need more time to make your comments, you should contact the Assessment and Review Officer to ask for this.

You may find it useful to discuss the proposed statement of SEN with the school staff. You may also want to contact us to discuss the statement of SEN.

You can arrange a meeting with the named Assessment and Review Officer.

If you do have a meeting with the Assessment and Review Officer, they may change your statement of SEN, and they will send you a copy of the revised Statement.

13. What do I do when the final statement of SEN arrives?

If you are still not happy with something on the statement of SEN, you have the right to appeal to the SEN Tribunal. You can appeal against the following.

1. Description (part 2)
2. Support (part 3)
3. Named school (part 4) or if no school has been named

If you need support and advice, you can contact us.

14. What if, after all the assessments are finished, the LA decides not to issue a statement of SEN?

The LA may decide not to give your child a statement of SEN because they think the school can support your child's SEN. The LA must write and tell you, giving the reasons for their decision.

If you get a note-in-lieu instead of a statement of SEN, and you are not happy with it, you can appeal to the SEN Tribunal. (See section 17.)

The note-in-lieu will contain:

- a description of your child's SEN;
- the reasons for not making a statement of SEN, and guidance on the SEN support at your child's school;
- a description of non-educational needs and approved support; and
- a copy of all reports received about your child.

15. Can I choose my child's school?

Chapter 8 of the SEN Code of Practice 2001 says that the LA must agree with your choice unless "the school is unsuitable for the child's age, aptitude or SEN". They can refuse your choice if the "placement would be incompatible with the efficient education of the other children with whom the child would be educated, or with efficient use of resources".

Visit the schools which you think may be appropriate or have been suggested to you. If you would like help with this, please contact us.

16. Can I send my child to an independent school?

If you decide to send your child to an independent school at your own expense, the school must be able to meet your child's needs as written in the statement of SEN.

The LA does not have to pay for your child to go to an independent school. Your child will still have a statement of SEN. Your child's progress will be reviewed at least once a year to see if they are making progress with their education. The LA does not have to pay for transport for an independent school.

17. How do I appeal to the SEN Tribunal?

You must do this within two months of receiving the final decision letter from the LA.

There is an appeal form in the tribunal information booklet. You can get copies of the booklet from the Special Educational Needs Team or direct from:

SEN and Disabilities Tribunal, Mowden Hall, Staindrop Road, Darlington DL3 9BG

Email: sendistqueries@tribunals.gsi.gov.uk

Phone: 0870 241 2555

Fax: 01325 391 080

18. Who will pay for transport costs if the school is quite far away?

Some children are given help with transport, travel or a bus pass to get to school. Each child's needs are looked at by LA. They look at your child's age, their SEN, and the distance from your home to the school your child will be going to.

If you choose a school that is further away from your home than another school which the LA recommends, the LA will not guarantee to help you with transport.

You may want to arrange a meeting with the SEN Home To School Transport Team to discuss this. Please contact the SEN Home To School Transport Team on 0161 249 4450 to discuss or to request a copy of the SEN Home To School Transport Policy.

19. What changes can be made to a statement?

At the annual review

Statements of SEN must be reviewed at least once a year. There is usually a meeting with school staff, you, your child and the Assessment and Review Officer (ARO). If changes need to be made to the statement of SEN, these can be talked about at the meeting. Following the meeting the ARO will amend the Statement and send you a copy for comments. You have 15 days to send in your comments.

Your views are important at this meeting. If you are worried or nervous about going to this meeting, we may be able to go to the meeting with you.

Amending statements of SEN

If there are a lot of changes in your child's health, behaviour or learning, we may suggest that you ask for a new statutory assessment, to give more up-to-date information on how your child needs to be supported.

20. What do I do if I move to a house in another area?

If you move out of Stockport LA, you must let them know so that they can pass on the statement to the new area.

Stockport Parent Partnership Service

Working in partnership with parents and carers is essential, especially when a child has special educational needs. We can:

- explain the statutory assessment process;
- help you to give your views about your child's SEN;
- help you with any letters or forms,
- help you understand your child's statement of SEN;
- help you put your concerns to your child's school or to a member of the SEN Assessment Team,
- attend annual reviews including transfer and transition reviews and planning meetings with you
- give you information about voluntary organisations that may be able to give advice and information; and
- explain your rights to appeal to the SEN Tribunal.

Our staff can meet you at home or at the following address.

Please contact:

Parent Partnership Stockport
12 School Lane
Heaton Chapel
Stockport SK4 5DG

Tel: 0161 431 3024

Fax: 0161 431 4322

Email: parentpartnership@togethertrust.org

Website: www.togethertrust.org.uk

Other leaflets you can get from us are as follows:

A Parents' Guide To:

- Special Educational Needs in the Early Years
- Information on School Action and School Action Plus
- SEN Annual Reviews.

Parent Partnership also has information on local and national services and organisations that can help and support you, your child and your family.



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