

Children with Special Educational Needs

Our Approach to Statutory Assessment and Making Statements

Information for Parents and Carers

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Introduction

About one in five of all school children will need special help with their learning at some stage.

Often the need is only a temporary one - for example, learning to read or catching up after a long absence. The majority of pupils will have their needs catered for in their local mainstream school using the resources provided to the school by the local authority (LA) - in this case Hertfordshire County Council.

There are only a very small number of children (estimated at 2% nationally) whose needs cannot be met effectively through Early Years Action and Early Years Action Plus or School Action and School Action Plus. This small proportion of children will have severe, complex and long-term needs and may need a lot of extra support or a specialist placement.

It is important that any extra help provided is the right help for your child. Therefore, his or her needs may be looked at very closely through a process known as a **Statutory Assessment** under the regulations of the 1996 Education Act. This may lead to either a **Note in Lieu** or a **Statement of Special Educational Needs and Provision** being drawn up.

This booklet explains how the process of **Statutory Assessment** and issuing a Statement operates in Hertfordshire. It explains how you can be involved, and aims to answer some of the main questions you may have. (It should be read with the Department for Education & Skills booklet: *Special Educational Needs - a Guide for Parents*, which sets the process in Hertfordshire in the national framework.)

What is a Statutory Assessment?

A **Statutory Assessment** is a detailed investigation to find out exactly what a child's special educational needs are and the special help he or she might require to ensure these are met.

Who can ask for a Statutory Assessment?

A request for a pupil to be assessed may come from:

- the pupil's parent(s) or carers
- the headteacher of the pupil's school or setting
- other agencies eg. Health, usually when a child is under 5 and has complex needs, or support service staff may also make a referral.

Parents should always be consulted about a request or a referral.

Who decides if one is necessary?

Wherever the request comes from, the first thing the Local Authority must do is decide whether or not a **Statutory Assessment** is necessary.

In Hertfordshire, this decision is taken by the local authority with advice from a **local SEN panel**. A senior officer chairs this panel, which carefully considers every request for a **Statutory Assessment**. The panel also includes school representatives, advisers and educational psychologists.

Every case is considered individually using the guidance in the SEN Code of Practice and Hertfordshire's guidance about statutory assessment. The panel follows published criteria which are used to help make the decision, namely:

- a) that despite every effort having been made by the mainstream school or early years setting, to cater for the child's special educational needs - including advice from experts - the difficulty still persists
- b) that the pupil *appears* to have significant special educational needs. These may be:
 - significant learning difficulties
 - significant impairments, and/or
 - significant emotional and/or behavioural difficulties
- c) that these needs *may* call for special educational provision which mainstream schools cannot reasonably be expected to provide.

If your child's school or you, the parent/carer, request a **Statutory Assessment**, we will gather evidence about your child. We will also write to you asking for your views and comments. You will have 29 days in which to provide these. Then, within 6 weeks, and having referred to the criteria above, the local authority will make a decision whether or not a statutory assessment should be made for your child. This decision, together with the reasons for reaching it, are recorded at the panel and are filed with your child's papers. These are open to scrutiny.

If you ask for your child to be assessed and the decision is not to assess, you will receive the decision in writing and be offered the opportunity of a meeting to discuss this. We understand that a decision not to assess can be disappointing for a parent and a face to face meeting can help to resolve concerns. An independent mediation service, ConSENSus, is also available free of charge to help in cases of disagreement. Their telephone number is 01379 388621 (see page 9 for more details).

If things cannot be resolved, you also have a right of appeal to a **Special Educational Needs & Disability Tribunal**. The address is at the end of this leaflet.

Who will assess my child?

- you, the parent(s). In Hertfordshire, we formally seek parents' views
- the headteacher and class teacher(s), who will provide a report about what your child can and cannot do in school. They will make recommendations about what sort of teaching approaches and additional help are needed. If your child is not yet of school age, this educational advice will be prepared by one of Hertfordshire's pre-school Advisory Teachers
- an educational psychologist. He/she will want to know about your child at home and at school. The educational psychologist will assess your child in order to help in deciding the kind of support that is needed
- the school doctor, who will let us know whether your child has any health problems which may be affecting their progress at school.
- you may also provide us with any private advice or opinions, which you have and we will take this information into account.

Will anyone else be involved?

Sometimes other people who may have been helping your child are asked for their advice - for example, your child might have been seeing a speech and language therapist or other medical specialists.

We will also get in touch with a social worker or the local team manager but they will only make comments if they already know your child and have information relevant to his/her special educational needs.

How can I contribute to my child's assessment?

Your views about your child are important. You will probably want to do all you can to help your child's assessment. You can do this by:

- telling us what you think your child's special educational needs are. You can do this by letter or another way if you prefer. Our booklet *Writing About Your Child's Special Educational Needs* accompanies this booklet and will help you. If you feel you need any further help, perhaps in writing down what you want to say, do let us know. We will be pleased to help you.
- letting us have any reports you already have about your child and any others that may be written while the assessment is being carried out. This is particularly important where medical or other independent specialists are involved with your child. These reports often taken a great deal of time to be submitted so if you are able to let us have copies of reports that you would like to be considered as part of the assessment, this will to keep any delay to a minimum.

You may wish to have someone to help you during your child's assessment. An **Independent Supporter** may be a friend, relative or someone from a voluntary organisation. If you would like help in choosing someone, the Parent Partnership Service (01992 555847), will be able to help by explaining this role and suggesting a relevant voluntary organisation.

What happens during a Statutory Assessment and how long does it take?

- STEP 1** Within six weeks we will make a decision on whether to assess and we will write to let you know this decision.
- STEP 2** If it is decided that an assessment should be carried out, we will write to you to confirm this. The **Named Officer** should always be the person you speak or write to if you have any queries about any decisions made about your child's special educational needs.
- STEP 3** As part of the assessment procedure, we will write to the educational psychologist, designated medical officer, school or pre-school advisory teacher and social worker asking them for formal advice. We will also ask you if there is anyone else whom you would like us to consult.
- They will then have 6 weeks to let us have their reports. The professionals will make every effort to enable your child to communicate their views during the assessment process. You will also be invited to contribute further advice/ comments.
- STEP 4** Once all the reports have been received, the authority will decide whether or not a Statement of Special Educational Needs should be drawn up.
- STEP 5** If a statement is felt to be necessary, this will be sent to you in proposed form so that you can comment on it. This is called a Proposed Statement. You will be offered a meeting to discuss this if you wish. You may want to meet with the named officer and any of the people who assessed your child.
- You may also want to talk about this with someone offering independent support. An independent supporter could offer assistance and may accompany you to any meetings you attend if you wish.
- We may decide that a statement is not necessary. If so, a document called a Note-in-Lieu will be drawn up. This will describe your child's needs, offer guidance on what will meet these needs, but will not carry additional resources from the authority.
- The reasons for the decision will be given to you and you will be offered the opportunity of a meeting. If you do not agree with the decision you can appeal to the Special Educational Needs and Disability Tribunal. However, again we would try our best to reach an agreement with you and you may also wish to seek the involvement of ConSENSus.

We aim to complete this part of the process and produce a **Proposed Statement** or **Note-in-Lieu** within 18 weeks. In some cases, such as when a child moves into Hertfordshire and there is advice already available, the process can be completed more quickly than this. In other cases, more time will be needed - for example, when the assessment is started just before the summer holidays, or your child is unable to keep an appointment with one of the professionals, such as a medical appointment.

What is a Statement of Special Educational Needs?

If the **Statutory Assessment** shows that your child's needs can only be met through having a statement, a **Proposed Statement of Special Educational Needs** will be drawn up.

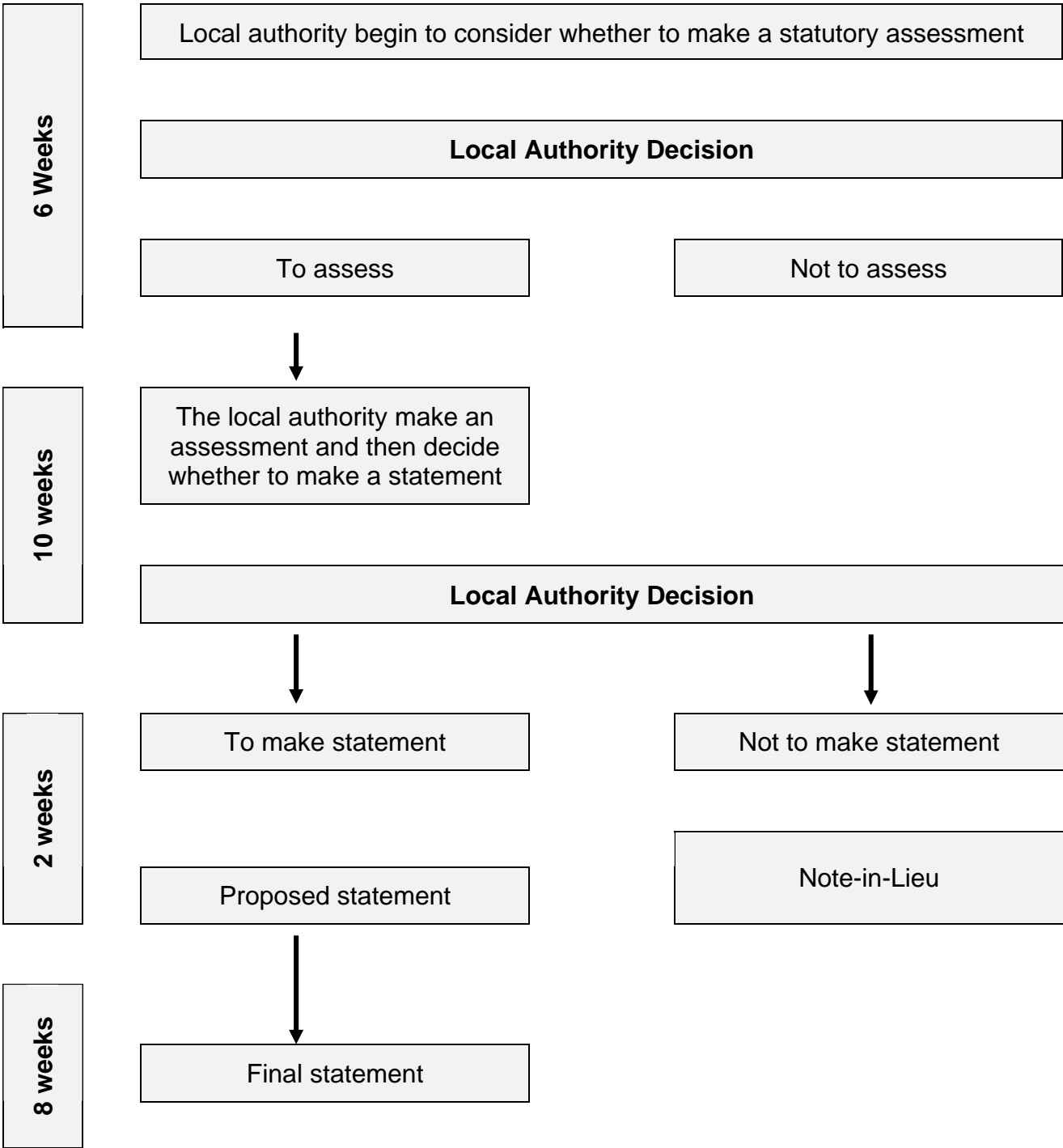
This document describes

- all your child's special educational needs
- what we are proposing to provide to meet these
- any relevant non-educational needs and provision; for example, occupational therapy, physiotherapy, if applicable

In addition, you will receive copies of all the reports written about your child.

We normally allow parents 15 days to make comments on the **Proposed Statement** but will consider requests for more time. You may also ask to meet the Named Officer to discuss the **Proposed Statement**. This meeting will usually take place at one of our local offices or at County Hall.

TIMETABLE FROM PROPOSING AN ASSESSMENT TO MAKING A STATEMENT



TOTAL = 26 WEEKS

Can I say which school I would prefer my child to attend?

The **Proposed Statement** will not name a school. A list of all maintained schools in Hertfordshire, both mainstream and special, which cater for children of the appropriate age range will be sent to you, along with independent and non-maintained schools.

You will be asked to name your preferred maintained school, or to let us have your representations for placement in any other school, when you let us have your comments on the **Proposed Statement**. We will support your preference re. naming a maintained school as long as:

- the school is appropriate to your child's age, ability and special educational needs
- your child's attendance at that school will not interfere with the effective education of the other children there, **and**
- the local authority accepts that placing your child in that school will represent an efficient use of its resources.

You may tell us if you think your child should attend an independent special or mainstream school but we are not necessarily obliged to name it. We are also not obliged to pay for transport to your preferred school if there is a place available at a nearer suitable school which is a more efficient use of resources.

In normal circumstances, we will issue a **Final Statement**, which will name a school, within 8 weeks of the **Proposed Statement**.

If you do not agree with the contents of the **Final Statement**, you can appeal to a **Special Educational Needs & Disability Tribunal** but we hope that through earlier discussion and meetings with you, disagreements will be avoided wherever possible.

Will I get transport to school?

It is normally a parent's responsibility to ensure that their child attends school. One part of the statutory assessment process will be to consider whether or not your child is eligible for home to school transport.

For example, transport might be provided:

- for a pupil under eight years old who will need to attend a special school, a unit or base attached to a mainstream school which is more than two miles from their home, or more than three miles if the child is older. (The distance is always measured by the shortest safe walking route)
- In exceptional circumstances due to the pupil's special educational needs, such as severe mobility difficulties

Where transport is provided, these arrangements will be subject to review. If your preferred school that is not the nearest but can meet the needs of your child and has spaces available, then it would only be possible to offer this place if you make your own arrangements for your child's transport to and from this school and if it is at your own expense.

Glossary of terms used in this booklet

Team Manager: this is the officer responsible for day to day support of the special needs officers.

Proposed Statement: this is a draft version of the **Statement** sent to parents and professionals for their comments. A **Final Statement** is then drawn up.

SN Officer: this is your **Named Officer** who is responsible for dealing with any queries regarding statutory assessment, or concerns about any decisions that have been made about your child's special educational needs.

Named Officer: this is the special needs officer in Children, Schools and Families - a part of the local authority. This is the person you should contact if you have any queries or concerns about any decisions that have been made about your child's special educational needs.

Statutory Assessment: this is an investigation of a child's special educational needs carried out under the 1996 Education Act. It will involve advice from your child's school (or an advisory teacher if they are not yet at school), a doctor, educational psychologist and social worker.

Note in Lieu: this is a document that is issued following completion of a statutory assessment where advice indicates that any special provision necessary can be provided through school based or early years setting provision with external support if necessary.

Statement of Special Educational Needs: this is a legal document which sets out your child's special educational and non-educational needs and how these will be provided for by the local authority and other agencies.

Parent Partnership

Parent Partnership Service (PPS): offers support to parents of children with SEN. Help is available on the telephone, at meetings with local authority staff, and in schools, where parents and carers ask for it. Parents who would like this help, or help with writing about their child's special educational needs for a statutory assessment or annual review, may contact one of four Parent Partnership Supporters by ringing the Parent Partnership Helpline (01992 555847).

Parent Participation Manager: based in the Customer Focus Team (CFT). Produces a termly newsletter and written information to parents and carers. Works closely with the voluntary sector to ensure a range of support is available to parents and carers.

Independent Supporter: parents and carers are encouraged to contact one of the many voluntary organisations who offer support to parents and carers. Details can be found in the list of **Voluntary Organisations** available from Children, Schools and Families (01992 588519) or Parent Partnership (based in Customer Focus Team) or on the Herts Direct website (www.hertsdirect.org). The Parent Partnership Helpline (01992 555847) number is answered during the week from 8.30am to 5.30pm (4.30pm on Friday).

Working with you

We are committed to working in partnership with parents and appreciate the statutory assessment process can be difficult for some parents. We are happy to meet with you and talk about concerns at any time. In addition, all local authorities must provide arrangements to resolve disagreements between parents whose children have special educational needs and the local authority or school. This is sometimes known as mediation. Hertfordshire believes that mediation is a way of helping to resolve problems and can avoid the need for an appeal to the Tribunal. Free access is available to an independent special educational needs mediation service, ConSENSus. This service is available to help all parties, including parents, schools and the local authority, to express their views and to try and find a solution.

Using ConSENSus does not affect your right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST). You do not have to contact ConSENSus, the choice is yours, but should you wish to the number is 01284 757788. However, any appeal to the Tribunal **must** still be lodged within the prescribed timescale if you wish to pursue that option.

Service standards

We aim to respond to letters within 10 working days and to return telephone calls within 3 working days.

We will make a decision whether or not to carry out a statutory assessment within 6 weeks of receiving a request.

Under normal circumstances, if we go ahead, we will complete the assessment within a further 10 weeks and draw up a **Proposed Statement** or a '**Note in Lieu**' within 2 weeks of receiving the last piece of advice.

Under normal circumstances, we will issue the **Final Statement** within 8 weeks of the **Proposed Statement**.

What if I have a comment, compliment or complaint to make about the service provided?

We take great care to offer the best possible service in every individual case and staff are always pleased to receive positive feedback. Do let us know if you have been pleased with the service. If you feel dissatisfied with how you have been treated or how a decision has been reached, please tell the member of staff who is working with you straight away.

If you think a query you have made hasn't been properly investigated, or that we have mishandled any part of the process, you may wish to complain. We have a staged model for dealing with complaints, as follows:

STAGE ONE

If you are not happy about the service that has been provided, please let the Named Officer know straight away. If you feel they cannot help or you are not satisfied with the answer they give, get in touch with their manager by telephone, in writing or by arranging a meeting. Most problems can be solved by discussing them with the people who manage the service.

STAGE TWO

If you have done all this, and are still unhappy, Children, Schools and Families has a Customer Focus Team (CFT) to deal with formal complaints. The first thing the CFT will need to know if they are able to help effectively is whether you have already tried the previous two steps.

**Customer Focus Team,
Children, Schools and Families,
County Hall, Hertford SG13 8YD**

How can I appeal about Special Educational Needs?

You can appeal to the Special Educational Needs & Disability Tribunal against local authority (LA) refusal to:

- make a statutory assessment of your child's special educational needs
- issue a statement of your child's special education needs, after making a statutory assessment.

If the LA have made a statement of your child's special educational needs, or changed a previous statement, you can appeal against:

- the description in part 2 of the statement of your child's special educational needs
- the description in part 3 the statement of the help that the LA think your child should get
- the school named in part 4 of the statement
- the LA not naming a school in the statement
- the refusal to change the name of the school in the statement if the statement is at least a year old. However, you can only ask for a school maintained by the authority (one funded by the authority). You will need to give the name and address of the school and your reasons why you want your child to go to it.
- the LA refusing to re-assess your child's special educational needs if the LA have not made an assessment for at least six months
- the LA ceasing to maintain a statement
- the LA refusing to amend the statement after re-assessing your child

You can get a copy of the booklet which explains the way the Tribunal works from the address below:

SENDIST
SEN Appeals
Mowden Hall
Staindrop Road
Darlington DL3 9BG
Tel: 01325 392 555

You cannot appeal to the Tribunal against

- the way the LA carried out an assessment, or the length of time it took
- the way the LA is arranging to provide the help set out in your child's statement
- the way the school is meeting your child's needs
- about the description in parts 5 and 6 of the statement of your child's non-educational needs or how the LA plans to meet those needs
- the LA not amending the statement after the annual review
- the LA refusing to name an independent or non-maintained school where you asked for a change in the statement which is at least a year old.

If you are unhappy you should discuss your concerns or complaints with the LA and with the school about the way the school is meeting your child's needs.

Each school will have a complaints procedure to deal with special educational needs complaints.

Who to contact

If you have any queries or concerns we would always advise you to contact your **Named Officer** or, if they are not able to help you for any reason, your **Special Needs Team Manager**. Details of the area teams are as follows:

EAST HERTFORDSHIRE

SEN TEAM EAST 1 : Farnham House, Six Hills Way, Stevenage, SG1 2FQ

Ashwell, Baldock, Barkway, Barley, Breachwood Green, Cockernhoe, Codicote, Gravelly, Hexton, Hitchin, Kimpton, Knebworth, Letchworth, Offley, Pirton, Preston, Reed, Royston Sandon, St Ippolyts, Stevenage, Therfield, Weston, Whitwell, Wymondley

Enquiries

01438 843240

SEN TEAM EAST 2 : Area Education Centre, County Hall, Hertford, SG13 8DF

Aston, Benington, Bishops Stortford, Brookmans Park, Broxbourne, Buntingford, Cheshunt, Cuffley, Datchworth, Essendon, Gilston, Goffs Oak, the Hadhams, Hatfield, Hertford, Hoddesdon, Lea Valley, Puckeridge, Sawbridgeworth, Standon, Turnford, Walkern, Waltham Cross, Ware, Welwyn, Welwyn Garden City, Woolmer Green

Enquiries

01992 588562

WEST HERTFORDSHIRE

SEN TEAM WEST 1 : Apsley 1, Brindley Way, Apsley, Hemel Hempstead, HP3 9BF

Abbots Langley (WD5), Berkhamsted (HP4), Chorleywood (WD3), Flamstead (AL3), Garston (WD25), Hemel Hempstead, Hunton Bridge, Kings Langley (WD4), Markyate (AL3), Moor Park/Northwood (HA6), Rickmansworth (WD3), South Oxhey (WD19), Tring (HP23), Central Watford (WD17), North Watford (WD24), West Watford (WD18)

Enquiries

01442 453451

SEN TEAM WEST 2 : Apsley 2, Brindley Way, Apsley, Hemel Hempstead, HP3 9BF

Borehamwood (WD6), Bushey (WD23), Potters Bar (EN6), Radlett (WD7), St Albans

Enquiries

01442 454012

Support for Parents and Carers

Sue Jaye, Parent Participation Manager **01992 555922**

Claudia Houghton, Administrative Assistant **01992 555847**

Colette Newcomb, Administrative Assistant **01992 588542**

Parent Partnership Advisors:

East 1: **Irene Holland** **01462 634488**

East 2: **Dawn Owen** **01920 411152**

West 1: **Kären Edwards** **01923 672910**

West 2: **Helena Marks** **01442 217143**

Who else might be able to help me?

- ◆ the Headteacher of your child's school or the Pre-school Advisory Teacher if your child is not yet of school age
- ◆ the educational psychologist attached to your child's school
- ◆ a member of one of the various voluntary support groups for parents of children with special educational needs. You will be sent a voluntary organisation booklet with details of these.