

Helpsheet 1 - The Statutory Assessment process

(This helpsheet should be read along with Supplementary Sheets A and B. See also PPS leaflet 'Statutory Assessments and Statements', and the Nottinghamshire County Council leaflet 'Special Educational Needs Multi-Agency Statutory Assessment Panel')

What is a Statutory Assessment?

- A statutory assessment is the way in which the local authority (LA) explores and makes a decision as to whether your child needs a Statement of Special Educational Needs.
- A Statement of SEN is a legal document, rather like a contract between the local authority and a child, which states what the child's special educational needs are and what will be provided to meet those needs.
- Statements of SEN are for children who have very severe and complex needs, whose educational provision may have to be carefully tailored around those needs and carefully monitored to ensure that it continues to enable them to make the best possible progress, even if that is very slow.
- A statutory assessment does not always result in a Statement but it is always a helpful examination of your child's needs and of the most appropriate provision for them.
- The person at the local authority who will be involved with you in this process is the District Assessment and Placement Officer (DAPO) for County parents, and the SEN Casework Officer for City parents. It's the same role, just different names!
- The full process takes no more than 26 weeks.

How to request a statutory assessment

- Call the PPS helpline to talk through the process if you are not clear.
- Discuss with school your intention to request a statutory assessment.
- Send a letter to the SEN Team for the local authority area in which you live (Nottinghamshire County or Nottingham City), telling them that you wish to request a statutory (or 323) assessment. *See Supplementary Sheet A.*

More information.....

Parents/carers can always request a statutory assessment for their child, provided they have parental responsibility; however, the local authority is unlikely to agree to undertake the assessment unless there has been significant support already provided at school which has failed to improve the child's progress. You will be asked to sign a declaration of parental responsibility before the start of the process. Your child's school can also request a statutory assessment.

Parents only need to write a very brief letter to the local authority, saying that they would like a statutory assessment of their child's needs to be carried out. Your contact details should be provided along with details of the child's date of birth and school attended. An example of this letter is provided below (**Supplementary Sheet A**).

What happens next?

- The local authority will respond to you in writing, asking for information about your child's needs, what support they receive at school, and why you believe it is necessary for a statutory assessment to be carried out. You can also send information from medical reports or letters.
- Call the PPS helpline for help with writing your information or guidance as to content. *See Supplementary Sheet B.*
- The local authority will also ask for information about your child's needs from school and any other education professionals who have been involved in supporting your child.

More information.....

You may like to have some help from the Parent Partnership Service when writing your report. We can talk you through the kind of things that are useful to put in your report, and we can link you with one of our team to prepare the report for you using information you provide. (**See Supplementary Sheet B**)

All this information is put before a panel of professionals from education and health. The panel discusses each child's case and recommends to the LA whether it is appropriate to carry out a statutory assessment, based on the information provided. The LA then makes a decision based on the panel's recommendation.

When will I know whether the statutory assessment is to be carried out?

- Within 6 weeks of your initial letter requesting an assessment, you will receive a letter from the local authority telling you whether they intend to carry out the assessment.

More information.....

If the decision is that it is not necessary for the local authority to undertake a statutory assessment of your child's needs, the letter you receive will set out some recommendations to improve the situation at school and enable better progress.

You can appeal to a tribunal if the local authority refuses to carry out a statutory assessment. You can also go to an independent mediation service to try and resolve the disagreement. PPS can support you with both of these, and we can also support

you in meetings with the local authority officer, school and other professionals to discuss the best way forward.

You can request a statutory assessment again if it has been refused, but unless you can demonstrate that the situation has now changed it is likely that the assessment will be refused again.

What happens if the statutory assessment is carried out?

- The local authority will seek information about your child's needs from you, education professionals, health professionals, Children's Services (if they are involved).
- You can also suggest they contact other people who might have useful information eg a voluntary sector group or charity which supports your child's particular needs
- PPS can help you to write your information (or to add to the information you have already provided to the panel)
- These reports help the local authority to decide whether to issue a Statement of Special Educational Needs.

More information.....

The local authority has a duty to ask certain people to provide information about your child's needs when a statutory assessment is undertaken. These include parents, education professionals, health professionals, Children's Services (children's social care). The reports are called 'Advice' and are attached to the statement as a series of appendices.

You will be asked to provide in-depth information about how you see your child's needs. You can give a picture of your child at home and with their family and friends which nobody else can provide. PPS can help you prepare your report (the Parental Advice or Appendix A). Your child should also be asked to give their views about how they like to learn, what kind of support they find useful and what kind of school they would like to attend.

The DAPO/SEN officer will decide whether it is necessary to issue a statement on the basis of information in these reports.

What happens if a Statement is issued?

- You are sent a draft Statement and can ask for amendments to this.
- PPS can help you with this..
- You will need to visit schools if you wish to change your child's school, so that you can tell the DAPO/SEN Officer why you feel a particular school can best meet your child's needs.

- There will need to be a discussion as to school placement if the local authority does not agree that the school you have chosen is the nearest suitable school.

More Information.....

You will be sent a draft of the statement (the Proposed Statement) to look through. You can ask PPS for support to do this. You can ask for amendments to be made to sections of the statement if you feel that the descriptions of your child's needs are not accurate or the provision to help them learn is not appropriate, based on advice given in professionals' reports. Generally, the local authority officer will be amenable to making minor amendments to the statement, but if you request more particular or far-reaching amendments it may be necessary to meet with the local authority to negotiate these. PPS can support you with drafting amendments and talking to the local authority.

At the same time you will be asked to indicate a preference for a school. This can be the same school as your child attends or a different one. You will probably already have had some discussions about an appropriate school placement with the local authority officer, but you may not agree with the school the local authority feels would meet your child's needs. You will need to set out your reasons for your preference of school and show that other schools cannot meet your child's needs adequately in this case. PPS can support with this.

What happens if a Statement isn't issued?

- If the local authority feels it is not necessary to issue a statement, you will be told that you can appeal to a tribunal and given the contact details to do that.
- The local authority will issue a Note in Lieu, which contains all the findings of the statutory assessment and has the reports attached to it. A Note in Lieu looks very like a Statement but does not have the same legal status as a Statement.
- PPS can help you prepare paperwork for your appeal.
- You may wish to have your child attend a different school now that the statutory assessment is complete and you will apply for this under the normal school application process. This must be a mainstream school.

- **Supplementary Sheet A**

This is an example of a letter a parent/carer might send to the Local Authority to request a statutory assessment (all details are fictional). You can use this to help you write your own letter or you can call PPS to provide a blank template for you to fill in your details.

You do not need to say anything about your child's special educational needs at this point, but it is helpful to include a couple of sentences. You will be asked to provide details of your child's difficulties once the local authority receives your letter.

Parents living in Nottingham City Local Authority area should send their letter to :

Special Educational Needs Team
Glenbrook Management Centre
Wigman Road
Nottingham
NG8 4PD

Parents living in Nottinghamshire County Local Authority area should send their letter to :

SEND Policy and Provision Casework Team
County Hall
West Bridgford
Nottingham
NG2 7QP

SAMPLE LETTER

3 Burns Close
Mansfield
Nottinghamshire
NG18 2PB

01623 123456
22nd September 2011

SEND Policy and Provision Casework Team
County Hall
West Bridgford
Nottingham
NG2 7QP

Dear SEN Officer,

Re: Sarah-Jane Swan (d.o.b 01/01/2003)

I wish to request a Statutory Assessment of my daughter's special educational needs.

My daughter is currently a pupil at Black Hill School. Sarah has help from a teaching assistant to understand the work but she is not making any progress and is beginning to get very distressed about school.

I look forward to hearing from you in the very near future.

Yours Sincerely,

Signature(s) ANNABELLE SWAN JAMES SWAN

Print name(s) Annabelle Swan

James Swan

Mother

Father

Supplementary Sheet B

In response to your letter you will receive a pack from the local authority with information about the statutory assessment process; for example, the names and contact details of the casework officer and their assistant who will be dealing with your request, details of where you can go for support with the process, and dates of any deadlines.

You will be sent a form to complete, with a number of questions to answer. These are really just a guide as to what would be useful information. You can write on the form and return it to the local authority (but take a copy to keep), or you can provide a separate report. If you write a separate report as a computer document you will have that information to hand whenever you need it and you can adapt it to different situations; in particular, you can adapt it for use later if the statutory assessment goes ahead. You will need to sign your report and also sign and return an additional form to say that you have parental responsibility.

PPS can provide advice and support with preparing your parental information. We can do this in a number of ways - you can write a draft report and we can offer comments as to any amendments, or you can meet with one of our team who will talk you through the information required and prepare the report for you. It is best to ring our helpline first to discuss how best we can support you (0115 9482888).

Here are some guidelines as to the kind of information that is helpful to the panel that will consider your request for statutory assessment. You are trying to provide a picture of your child at home and in their local community, with their family or friends. You will be asked to comment on what support is currently provided at school but don't worry if you don't know or only have a vague idea, just put down what you know. You can also include any letters or reports from health professionals, eg paediatrician, alongside your report.

The guidelines are based on the questions currently on the form sent out to parents in Nottinghamshire who request a statutory assessment; very similar questions are on the form sent out to Nottingham City parents. You can, however, organise your information in a different way, with different headings to suit your child's particular needs and circumstances. The important thing is for the information to be clear to panel members and to the LA Officers who will be involved with your case.

Parental Information for 323 Assessment Request

What learning difficulties does your child have?

Diagnosis and date? Evidence for this is helpful eg letter from paediatrician

Background information eg childhood development

What exactly can your child do and not do? For example,

- Concentration skills?
- Gross and fine motor skills?
- Can they hold a pencil properly?
- What is their understanding of language or situations?
- Can they communicate well/adequately?
- How do they communicate?
- How well do they socialise/interact with other children/adults?
- Can they share and co-operate?
- What do they play with and how purposeful is their play?
- Are they aggressive, or verbally and physically abusive?
- Can they control their emotions?
- Do they understand danger?
- Do they understand humour?
- What are their independence/self-help skills?
- Roughly, how well can they read, write? (eg like a 5 year old)
- What is their understanding of numbers? (eg can they count, add up?)

Anything else:

- Any particular positive attributes?
- Any exclusions from school?
- How do you think their learning difficulties affect their education?

Has the School discussed these needs with you? Yes/No

When/how often?

- reviews/meetings (individual education plan reviews, structured conversations,
- daily contact book
- regular discussions with the Class Teacher and TA.

Do you know what arrangements the school has made for your child?

It is OK to say you don't know exactly, or at all.

Arrangements could include:

- an IEP or provision map
- TA support/small group support
- part-time timetable.
- accessing education outside of the classroom, eg in another room, or off-site.

Is there involvement from other professionals eg Inclusion Support Service, Educational Psychologist?

Why does the Local Authority need to carry out a formal assessment of your child's special educational needs?

Generally speaking, if a child is not making progress, it is likely that their needs are not understood and/or not being supported. It may be that inappropriate or too little support is in place, and this could be for a variety of reasons.

A Statutory Assessment will be undertaken when the LA suspects that the support the child needs lies beyond what can be offered through the resources normally available for schools. The child will have severe and complex difficulties, and probably also a long-term disability. The statutory assessment will clarify what the child's needs are and how those needs could be met.

Children who require access to a special school, beyond very limited sessions, must have a statement and therefore need a statutory assessment. However, many children with statements function well in a mainstream school.

Evidence to suggest that statutory assessment might be necessary:

- Sustained lack of or very slow progress
- Failure of the school place eg successive and increasing exclusions
- Large gaps between the child's level of academic and social development and that of their peers
- Child experiencing intense anxiety which is having a sustained impact on their ability to access school
- School staff indicating that the school cannot meet the child's needs
- Parent's wishes for their child to attend a special school

In practice, children for whom a statutory assessment is appropriate are likely to meet a number of the above factors.