



EAST RIDING
OF YORKSHIRE COUNCIL

Children with Special Educational Needs

Assessment



Information for parents and those with
parental responsibility

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Information for parents and people with parental responsibility.

For some children the help that a school can normally provide will not be enough. They may require greater investigation of their difficulties to decide whether they need more or different help.

This may require a statutory assessment of their needs. This booklet is aimed at helping you through the procedures of a statutory assessment.

Parents of a child with a statement or the school can ask for a new assessment (reassessment). The procedures are the same as when there is a request for a statutory assessment.

The statutory assessment process is carried out in accordance with the Special Educational Needs Code of Practice (2001). A copy of this Code alongside 'Special Educational Needs (SEN) – A guide for parents and carers (2009) can be obtained free of charge by telephoning **0845 60 222 60** or by visiting the website at **www.dfe.gov.uk**

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Children progress at different rates and learn in different ways. For example some children understand and remember well if they talk about something or read about it; others learn best by doing. The early years setting/school should aim to give all children the chance to do as well as possible. If a child is making slow progress, the early years setting/school should give some help through differentiation. This means teachers using different materials, methods or approaches that suit the child's way of learning.

The early years setting/school should inform you if your child has special educational needs (SEN) and the provision that is being made to support him/her. The early years setting/school has a member of staff appointed as the Special Educational Needs Co-ordinator (SENCO). The SENCO has day-to-day responsibility for the co-ordination of SEN provision in the school.

The Special Educational Needs (SEN) Code of Practice (the Code) is governmental guidance that all local authorities (LA) must follow. The Code sets out that children with SEN should receive extra help by the early years setting/school at Early Years/School Action or Early Years/School Action Plus. This is called the graduated response.

Graduated Response

The child is identified by the teachers as needing extra support then commence the graduated response with Early Years/School Action.



Early Years/School Action

Interventions which are additional to and different from those provided as part of the early years setting/school's usual curriculum. Programmes to be set out in an Individual Education Plan (IEP).

If the child makes little progress even when teaching approaches are appropriately targeted then move to Early Years/ School Action Plus.



Early Years/School Action Plus

The early years setting/school needs to request advice and support from appropriate external specialists.

The IEP should reflect the strategies implemented including those recommendations by external specialists.

If the child's learning difficulties have not responded to relevant and purposeful measures taken by the early years setting/school and external specialists, consideration can be given to a request for statutory assessment.

Early Years/School Action

If a child is identified by the teachers or others as needing more support and needs work to be set that is different from or additional to that usually set in class then they will be placed at Early Years/School Action and records will be kept on the child's progress. All children are individuals. Teachers respond to the wide range of abilities and interests of the children in their class by differentiation. The teacher may use different teaching styles, use different resources or group children according to their learning needs. Most children would benefit from the school's differentiated curriculum and make progress. Some children will be identified as having SEN and need help that is additional to or different from this approach.

The school will keep a record of these children and help given at Early Years/School Action. An Individual Education Plan (IEP) will be prepared outlining what action will be taken and how the child's progress will be monitored. This will be reviewed at least twice per year.

Early Years/School Action Plus

If there are concerns that a child is not making adequate progress with the support provided at Early Years/School Action more specialist help may be needed. Outside specialists can play an important role in the early identification of SEN and in advising schools on effective provision designed to prevent the development of more significant needs. They can advise teachers on new IEP targets and strategies, provide more specialist assessments that can inform planning and the measuring of the child's progress.

The SEN of the great majority of children should be met effectively within mainstream settings through Early Years/School Action and Early Years/School Action Plus without the LA needing to carry out a statutory assessment. In a very small number of cases the LA will need

to make a statutory assessment of SEN and then consider whether or not to issue a statement. This is to determine whether a child has significant and long term needs.

This duty is contained in Section 321 and 323 of the Education Act 1996 “Local authorities (LA) must identify and make a statutory assessment of those children for whom they are responsible who have special educational needs (SEN) and who probably need a statement”.

Routes for Referrals (requests) for Statutory Assessment

A child can be brought to the attention of the LA through a number of routes:

1. A request for assessment by the child's early years setting or school
2. A request for an assessment from the parent or those with parental responsibility
3. A referral by another agency.

Consideration of Requests for Statutory Assessment

Once a request for statutory assessment has been made the LA has 6 weeks in which to make a decision whether to assess or not (See timescales at the back of the booklet). The deadline date will be given on the letter sent to you when the LA is considering a request for statutory assessment.

The LA does not have to consider a request made for statutory assessment if an assessment had already been completed within the last six months.

The decision is made by the Special Educational Needs (SEN) Panel which meets weekly (in term time but decision deadlines which fall within the school holiday periods are made by those members of the SEN Panel who work throughout the year) and includes representatives from the primary, secondary, special school sector, Portage, Early Years, Pre-School Learning Alliance, Educational Psychology and Behaviour Support Team, and the Special Educational Needs (SEN) Section.

The LA does have Statutory Assessment Guidelines (2008) which the SEN Panel refer to when making their decision however it must be noted that decisions are made based on the individual needs of each child. A copy of the guidelines can be requested from the SEN Section.

Before deciding whether to assess, the LA will look at whether your child:

1. Has not made progress even though the early years setting/school, with the support of specialists, has already given your child suitable help and/or
2. Needs the sort of help which can only come through a statement.

The LA will:

1. Look at evidence from the early years setting/school about help they have given and your child's progress. Sometimes progress is made only because a child has had much greater help than usually provided through Early Years/School Action Plus
2. Check that the early years setting/school has adapted the curriculum to suit your child's learning needs
3. Ask the school and other professionals and yourself about your child's learning difficulties.

There is a 29 day deadline for submitting parental views and this date is given on the letter sent to you when the LA is considering a request for statutory assessment. A form is also issued at this time which you can complete if you wish to or alternatively you can write your own letter.

Please let the SEN Section staff know if there is anyone else you would like consulting. You can submit any further information to support the request including private reports.

The SEN Section staff or the Education Officer (SN) will be happy to discuss any specific concerns you may have. The Education Officer (SN) fulfils the role of the Named Officer within the LA who liaises with parents over all arrangements relating to statutory assessment and the making of a statement. Contact details are given in the letter sent to you following the request for statutory assessment.

East Riding Parent Partnership Service is also available to offer impartial information, advice and support whenever you need it and can provide information about other sources of independent advice. Contact details and a leaflet describing the work of this service are enclosed with the letter sent to you following the request for statutory assessment.

Request for Statutory Assessment of Children under Two

If the LA believes that a child in their area who is under two years of age may have special educational needs for which the LA should determine the special educational provision, the LA may make an assessment of their special educational needs if the parent agrees. If the parent requests a statutory assessment for a child under two the LA must carry out the statutory assessment. However, assessments of children under two need not follow the statutory procedures and statements will be rare for children under two.

Refusal of a Request for Statutory Assessment

If the LA through the SEN Panel decides that your child's needs are not great enough for a statutory assessment and that the school can meet your child's needs, you will be sent a letter refusing assessment, and giving the reasons for the decision.

If you have any queries on this, the Special Educational Needs (SEN) Section staff or the Education Officer (SN) will be happy to help you. You can request a meeting with the Education Officer (SN) and/or others and the contact details will be given on the decision letter sent to you by the LA. There will also be a Next Steps leaflet enclosed which you may find useful.

You can contact the Parent Partnership Service for support and advice. The East Riding Parent Partnership Service is able to offer impartial information, advice and support whenever you need it and can provide information about alternative sources of independent advice. The service can allocate a trained volunteer Independent Parental Supporter (IPS). Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

East Riding of Yorkshire Council has access to a specialist SEN mediation service called Community Accord. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA. Using the mediation service does not affect your right to lodge an appeal with the Special Educational Needs and Disability Tribunal.

So long as you or the early years setting/school asked for the statutory assessment, you can appeal to the SEN and Disability Tribunal against this decision. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

Carrying out a Statutory Assessment

A statutory assessment is a very detailed assessment carried out as specified in the Education Act 1996. The LA asks different kinds of professionals for advice on your child's needs. These are:

1. The early years setting/school. Usually it is the Special Educational Needs Co-ordinator (SENCO), class teacher and headteacher. Any other visiting teachers who know your child can give information.
2. The Educational Psychologist is usually someone you will have already met, before your child was put forward for an assessment. The Educational Psychologist will need to talk to you, test and observe your child.
3. The Medical Officer. The reason for this person's involvement is either to make sure there are no medical problems, or to find out how any medical problems need to be taken into account. The Medical Officer will normally do a medical examination, and discuss it with you. It is important that you accept the first medical appointment if at all possible. This is because rearranging appointments can cause a serious delay in completing the assessment.
4. The LA has to ask Social Care and the Nursing Service if the family is known to them and if they can offer any helpful advice. This does not mean that they will become involved if they are not already.
5. Other professionals may need to be asked for reports, and you will be told who these professionals are, for example, your child may need an assessment by a speech therapist. If you have been to someone privately such as a psychologist or consultant and have already got your own report, you can send this in.

Any reply or information you have given will be copied and sent to the professionals doing the reports (assessments). The LA has 10 weeks to carry out the assessment and make a decision. Then a further 2 weeks to issue a Note-in-Lieu (details given below) or a proposed statement. The deadline for this is given in the letter sent to you by the LA when the statutory assessment was started.

Completed Statutory Assessments

(A separate booklet entitled Statement will be sent to you with the decision letter)

Once all the completed statutory assessment reports have been submitted the case goes forward to the SEN Panel (details given previously) for a decision whether to issue a Statement (plus what level of additional adult support) or not. If the decision is not to issue a statement you will be sent a Note-in-Lieu.

Note-in-Lieu

The Note-in-Lieu gives:

1. A description of your child's special educational needs
2. The reasons for not writing a statement and suggestions as to how your child's needs can be met
3. A description of your child's other needs and how they should be supported. Copies of all the statutory assessment reports will be sent with the Note-in-Lieu.

A Note-in-Lieu could contain as much detailed consideration and information as a statement and so provide parents and the early years setting/school with helpful guidance in supporting the child. Even though it may follow the same format as a statement it does not

have any legal status and is an advisory document only. The decision to issue a Note-in-Lieu is usually because it felt that the early years setting/school can meet the child's needs from within the resources normally available to them at Early Years/School Action or Early Years/School Action Plus.

Once the Note-in-Lieu is issued the statutory assessment process has formally finished. However if you have any further questions on this the SEN Section staff or the Education Officer (SN) will be happy to help you, this can include explaining the decision in more detail to you or arranging a meeting with you or others. Details are given on the decision letter sent to you and there is also a Next Step leaflet for your use.

You can contact the Parent Partnership Service for support and advice. The East Riding Parent Partnership Service is able to offer impartial information, advice and support whenever you need it and can provide information about alternative sources of independent advice. The service can allocate a trained volunteer Independent Parental Supporter (IPS). Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

East Riding of Yorkshire Council has access to a specialist SEN mediation service called Community Accord. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA. Using the mediation service does not affect your right to lodge an appeal with the Special Educational Needs and Disability Tribunal.

If you disagree with the decision to issue a Note-in-Lieu you can lodge an appeal with the Special Educational Needs and Disability Tribunal. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

Proposed Statement

If the LA through the SEN Panel decides to issue a statement you will be sent a proposed statement together with all the reports. The statement will set out your child's needs and the special help he or she will receive. It is in six parts:

Part 1. Details about your child, i.e. name, address, date of birth

Part 2. A description of your child's special educational needs

Part 3. The help that the LA considers will meet your child's needs

Part 4. Where your child will be educated (this is left blank in the proposed statement as you will be asked which early years setting/school you would like your child to attend)

Part 5. Your child's non-educational needs

Part 6. How these non-educational needs should be supported.

If your child attends a mainstream early years setting/school and is assessed as needing a high level of additional adult support (27.25-34.75 hours per week) the school will receive additional resources specified in the statement. Other levels of support are met from within the school's own funding. However, it should be noted that if a child's statement specifies a number of hours then the early years setting/school must provide it as a statement is a legally binding document.

Early Years Setting/School Placement

Enclosed with the proposed statement will be a list of local mainstream schools, non-maintained (run by charities) and independent schools. Part 4 of the statement is left blank to allow you to say which early years setting/school you would like for your child.

This can be an early years setting/school in your own LA area or in another area. The LA must agree if you ask for a mainstream school as long as your child's attendance will not seriously affect the education of other children at the early years setting/school. LAs and early years settings/schools are expected to take reasonable steps to try to avoid this before refusing your request for mainstream schooling.

The LA must agree to the particular maintained (schools maintained by an LA-any community, foundation, voluntary, community special and foundation special schools), mainstream or special school you want unless it can show one of the following:

1. The school is unsuitable for your child's age, ability and aptitude and the special educational needs set out in Part 2 of the statement
2. Your child's attendance would seriously affect the education of other children at the school i.e. the school is full or oversubscribed
3. Your child's attendance would not be a good use of resources (e.g. money, staff, facilities, transport).

If the school you would like for your child is non-maintained (run by charities) or independent, then you have the right to ask the LA to consider this. The LA does not have to agree, however, and it may suggest a maintained school, which it thinks is suitable. The LA does not have to name the best school for your child but it does have to name a school that can meet your child's needs.

There are a very small number of children whose needs are so complex that they cannot be met in East Riding of Yorkshire. Following discussions with parents or those with parental responsibility these children may attend early years settings/schools out of county.

Response to Proposed Statement

We will ask you to respond to the proposed statement within 15 days and will advise you of that date. During this time we suggest that you read through the statement and reports. You will need to let us know your school preference and whether you want to ask for any changes.

If you wish to meet with the Education Officer (SN) you will have another 15 days following the meeting to make any further representations or ask for another meeting. We can arrange for more than one meeting if necessary. If any changes are agreed following our discussions you will receive a revised proposed statement. Please note however that we are required to finalise the statement 26 weeks from the date we received the request to carry out a formal assessment.

Included with your letter from the LA you will find a Next Steps leaflet which you may find useful.

Final Statement

After careful consideration the LA will confirm the proposed statement and it then becomes a legal document. This means that the provision given in the statement has to be delivered by the early years setting/school.

Once the statement has been finalised the early years setting/school should hold a planning meeting within six weeks of the statement being finalised.

Special Educational Needs and Disability Tribunal

If after the statement has been confirmed you still do not agree with its content then you will have the right of appeal to the Special Educational Needs and Disability Tribunal within two months of the date of the

letter sent to you with the final statement.

Details are given on the Next Steps leaflet and the decision letter sent to you by the LA. However ongoing discussions with the LA can continue at the same time as the appeal process is ongoing.

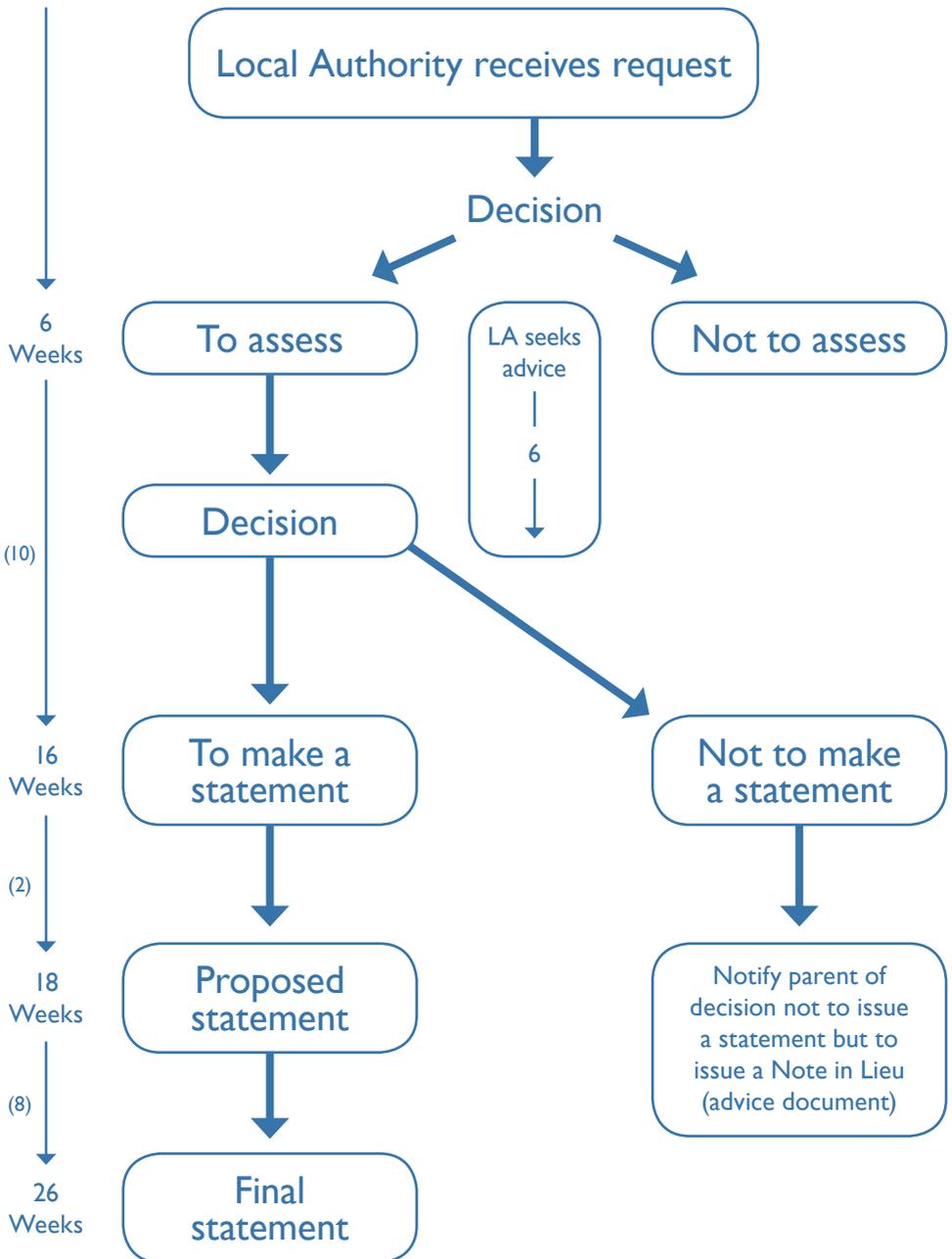
The Special Educational Needs and Disability Tribunal is an independent tribunal which hears parents' appeals against certain decisions of the LA about a child's special educational needs and claims of disability discrimination against schools and LAs.

You can also contact the Parent Partnership Service for support and advice. East Riding Parent Partnership Service is able to offer impartial information, advice and support whenever you need it and can provide information about alternative sources of independent advice. The service can allocate a trained volunteer Independent Parental Supporter (IPS). Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

Annual Reviews

Following this the statement will be reviewed annually (or can be every six months for pre-school children). You should receive an Annual Review booklet from the early years setting/school prior to the Annual Review being held.

Timescales for Statutory Assessment



The next pages are some of the most common legal words and jargon used in education

Annual Review: is a check on whether the statement is still right for the child. It takes place at least every 12 months but for children under five, the statement can be reviewed every 6 months if necessary.

Differentiation: teaching a child in ways and at levels which match their ways of learning.

Early Years/School Action: early years setting or school based help for children who have special educational needs but who do not have a statement. If the child is not making adequate progress within the early years setting/school's normal differentiated curriculum the early years setting/school should consider moving them to Early Years/School Action.

Early Years/School Action Plus: if a child on Early Years/School Action continues to make little or no progress the early years setting or school may consider moving them to Early Years/School Action Plus. At this stage the early years setting/school should consult specialists, whose advice will help the early years setting/school decide what help to give the child. This will be extra to and/or different from the help given at Early Years/School Action.

Expressing a preference: parents have the right to express a preference for a school and to give their reasons for that preference.

Individual Education Plan (IEP): a document which explains the extra help a child with special educational needs is getting and which sets targets for the child's improvement.

Learning difficulties: children with learning difficulties either:

- Find it significantly harder to learn than most children of the same age or
- Have a disability which makes it harder for them to use the same educational facilities (building, equipment etc) as other children in their area

A learning difficulty could result from a physical or mental impairment, a medical condition, behavioural, emotional or social problems, communication difficulties, or problems with learning to read etc. Children with learning difficulties generally need extra help at school and so are said to have special educational needs (often shortened to SEN).

Local Authority (LA): the education department of your local council referred to as the local authority (LA) now. It is part of the Children Family and Adult Services with social care.

Mainstream school: is a school which provides for all children including those with SEN and disabilities.

Named Officer: the person who liaises with parents over all arrangements relating to statutory assessment and the making of a statement.

Parent Partnership Service (PPS): local service who offer impartial information, advice and support to parents and carers of children with special educational needs. The service can allocate an Independent Parental Supporter (IPS) where appropriate. An IPS is a trained volunteer who can help parents by attending meetings, encouraging parental participation and can help to explain the SEN Framework.

Special Educational Needs and Disability Tribunal: an independent appeal tribunal which makes a binding agreement when there is a disagreement between parents and the LA about specific issues relating to statutory assessments and statements, or where there is a claim of disability discrimination.

Special Educational Needs Co-ordinator (SENCO): the teacher responsible for co-ordinating the special educational provision in the early years setting/school.

Special school: only provides education for children with SEN.

Special Educational Needs (SEN) Code of Practice (2001): is guidance written by the Government to ensure children with special educational needs get the right help at the right time at school. Schools and LAs are required to have regard to the SEN Code of Practice (2001).

Note-in-Lieu: describes a child's special educational needs when the LA decides not to write a statement.

Statement: a statement of special educational needs is a document in 6 parts, which is produced by the LA describing the child's needs and the provision necessary to meet those needs.

Statutory assessment: the formal assessment of a child's special educational needs. At the end of the assessment the LA will decide whether to issue a statement of special educational needs.

East Riding of Yorkshire Council will, on request, provide this document in Braille, audio or large print format. If English is not your first language and you would like a translation of this document into any other language, please telephone (01482) 393939.

Jesteśmy tutaj aby Państwu pomóc. Naszym celem jest udostępnienie każdemu naszych usług. Jeśli potrzebują Państwo pomocy tłumacza prosimy dzwonić pod ten numer **0121 377 2880**.

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