

# Kent Parent Partnership Service



Supporting families of disabled children  
and children with Special Educational Needs



## The Statutory Assessment Process and Statement of Special Educational Needs

Parent Information

3

# The Statutory Assessment Process and Statement of Special Educational Needs

## Understanding 'extra help' and the 'graduated response'

Children progress at different rates and learn in different ways; some children understand and remember well if they talk about something or read about it; others learn best by 'doing'.

Through 'differentiation' of the curriculum, a child who is making slow progress can be helped to reach their full potential. Differentiation means that teachers will use different learning styles, materials and resources to suit the individual child's way of learning. The potential of one child will be different from another.

The special educational needs and disabilities of the majority of children can be met effectively in mainstream pre-school (with Early Years Action or Early Years Action Plus) or in mainstream school (with School Action or School Action Plus). In a small number of cases, where a child's needs are significant and complex, the Local Authority (LA) may need to make a Statutory Assessment of Special Educational Needs, and then consider whether or not to issue a Statement.

Statutory Assessment itself will not always lead to a Statement. The information gathered during an assessment may indicate ways in which the school can meet the child's needs, without the need for any special educational needs provision through a Statement.

## Before applying for a Statutory Assessment

The Local Authority will want to see evidence that any strategy or programme implemented for the child has been in place for a reasonable period of time, without success. Information gathering will allow you to know exactly what the school is doing for your child.

*Below are some suggestions of how you could do this:*

Talk to your child (if age appropriate) about their education and any support they receive. Ask them what their favourite/least favourite subjects are and how they feel they are progressing in them. Find out if they feel the support they are receiving is helpful.

You can talk to the Special Educational Needs Coordinator (SENCo) and/or class teacher about the kind of support your child is receiving and how effective this is. If your child is on Early Years Action/School Action and you feel they could benefit from more help and from professionals outside the school, you can ask the school to put your child on Early Years Action Plus/School Action Plus. Discuss with the SENCo about applying for a Statutory Assessment. It is always helpful to let the pre-school/school know you are considering this.

## Who can ask for a Statutory Assessment?

**A parent or the school can ask for a Statutory Assessment.**

If you decide to make a parental request for a Statutory Assessment you could use the template on the next page to write to the Local Authority.

**Dear Sir/Madam**

I am writing to request that the Local Authority carries out a Statutory Assessment of my son/daughter's special educational needs under Section 323 in Part IV of the Education Act 1996, as is my right under Section 329.

*(a description of your child's difficulties – past history – medical diagnosis or history if relevant).*

I think my child may need more help than the school can provide at Early Years Action Plus/School Action Plus *(delete as applicable)*. My child attends *(say which school)*.

*Try to give as much information about the support your child currently has and why you feel this is not enough. You may wish to enclose school reports, in-school test results or a letter from your child's teacher or an education psychologist if you have them.*

*If there are any other agencies or professionals, such as speech therapist, physiotherapist, Health or Social Care involved with your child, please give details, and if you have any up-to-date reports, you can choose to submit these now or later.*

**Yours faithfully**

**(Name) Parent**

## The Statutory Assessment Process

Week	Local Authority (LA)		Parent/Carer
1	LA Receives request for assessment		Respond to LA Paperwork
2	↓		
3			
4			
5			
6 Decision	To Assess	Not to Assess →	Parents have two months to appeal to tribunal
7	↓  The LA gathers evidence from relevant professionals and carries out the assessment  ↙ ↘		Provide additional relevant information to the LA as necessary
8			
9			
10			
11			
12			
13			
14			
15			
16 Decision	To make a Statement	Not to make a Statement (LA may issue a Note in Lieu) →	Parents have two months to appeal to tribunal
17	↓		
18	Proposed Statement Issued		Parents have 15 days to comment in writing and/or meet with the LA about the content of the statement and state a preference for a school. This is an opportunity for parents to negotiate with the LA
19	↓  If parents agree with the statement the final statement is issued. If changes are agreed, an Amended Proposed Statement is issued.  ↓		
20			
21			
21			
23			
24			
25			
26	Final Statement Issued		Parents have 2 months to appeal to tribunal if still unhappy with the content

## Explanation of timetable

Once the Local Authority (LA) has received a request for a Statutory Assessment they will acknowledge this in writing sending you an information pack and a consent form for you to agree to the assessment process. They will tell you the name of the person who will be your point of contact (*Named Officer*) and ask you for your views, either written or spoken reasons why you want your child to be assessed (*see guidelines at the back of this leaflet*) giving you 29 days to do this.

The LA will look at the support your child is currently receiving from information gathered from the school and yourself. They will consider whether your child has been unable to make progress even though there has been substantial support.

If the LA refuses to make a Statutory Assessment, they will write and explain their decision to you. You will be offered a meeting with the LA. You will be offered a mediation meeting as part of the Disagreement Resolution process. You also have a right of appeal to the First-tier Tribunal for Special Education Needs and Disability (SEND) within two months of the date of the letter (*see KPPS Leaflet 'SEND Tribunal'*).

If the LA agrees to make a Statutory Assessment, they have 10 weeks to gather further up-to-date information from all professionals involved with your child. At the end of the 10 weeks the LA will decide whether or not to issue a Statement of Special Educational Needs.

If the decision is not to issue a Statement, the reasons must be given and you will again be offered a meeting with the LA and/or a mediation meeting as part of the Disagreement Resolution Process. You also have a right of appeal to SEND.

The LA may issue a Note in Lieu setting out the reasons for their conclusions in more detail with supporting evidence from the assessment. Although this document does not have the legal standing of a Statement, it is useful to pupils, parents and the school as it can be used in planning appropriate support for your child.

If the decision is to issue a Statement, the Local Authority have a further 2 weeks to send you a 'proposed' Statement with all the advice and reports on your child. You will have 15 days from the date of the LA's letter in which to read and respond to its contents. This is your opportunity to negotiate with the LA (*see KPPS Leaflet 'What a Statement Should Contain'*).

When the final Statement is issued, if you are not happy with parts 2, 3 and/or 4, you have the right to appeal to SEND. You have two months from the date of the Local Authority letter in which to lodge your appeal and you may also request a mediation meeting during this time as part of the Disagreement Resolution process.

## Guidelines for writing parental advice

These are only guidelines to help with your parental views, you may find the headings useful, but you can adapt the information within them.

### The early years:

- What was your child like as a baby?
- When did you first feel things were not right?
- Did you receive any advice or help? From whom?

### What is your child like now?

- General health – Eating and sleeping habits, illnesses, medicine.
- Self-help – Level of personal independence, dressing, daily routine.
- Relationships with parents, siblings, friends, with adults. Does he/she mix with others well or stay on his/her own?
- Behaviour at home – Do they co-operate, share, listen and carry out requests?
- At school – Relationships with other children and teachers, progress.
- How has school helped and with what result?

### Your general views:

- What do you think your child's special educational needs are?
- How do you think these could be best provided for and by whom?
- What are your worries or concerns?
- Is there more information you would like to give about your family, including major events that might have affected your child?
- How do you think your child's needs affect the needs of the family as a whole?

Continued ➡

### **Additional information:**

- Attach any reports from other professionals that you would like the LA to consider.
- Are there any professionals you would like the LA to write to for advice? If so, please provide their names and addresses.

### **Child's views (if they are able to give them):**

- Does your child realise they have difficulties?
- What does your child worry about?
- What are their views on how they would like to be helped in school?

**Kent Parent Partnership Service (KPPS)** can provide information and support at each stage of the Statutory Assessment process. This can include explaining the process, helping with paperwork and supporting at meetings.

KPPS can facilitate a mediation meeting as part of the Disagreement Resolution process. For further information on the Disagreement Resolution process and the Mediation service see additional leaflets.

**Helpline: 03000 41 3000**

Office: Shepway Centre, Oxford Road, Maidstone, Kent ME15 8AW

Office Tel: 0300 333 6474

Minicom: 0300 333 6484

Fax: 01622 671198

Email: [kentparentpartnershipservice@kent.gov.uk](mailto:kentparentpartnershipservice@kent.gov.uk)

Website: [www.kenttrustweb.org.uk/kpps](http://www.kenttrustweb.org.uk/kpps)