

May 2005

# A parental guide to obtaining an assessment of your child's special educational needs

## Introduction

The information sheets in this pack are designed to be a simple guideline to assist you in starting and proceeding with a formal assessment of your child's special educational needs (SEN). They do not give detailed information about time-scales or legal responsibilities, as it is standard practice for your Local Education Authority (LEA) to send you a leaflet explaining these. You should also receive the Code of Practice, which will set out detailed legal requirements, and guidelines for good practice to which the Authority must pay regard.

You will find that this process of assessing your child's needs and preparing a statement is commonly referred to as "Statementing".

Each LEA should be able to put you in touch with an Independent Parental Supporter (IPS) or a Parent Partnership group from the outset of the process.

## This pack contains:

1. Starting the process
2. Independent Parental Supporters
3. Finding out more about possible schools
4. The assessment
5. Conciliation
6. Special Education Needs Tribunal
7. Useful addresses and sources of help

# 1. Starting the process

Formal assessment leading to a Statement of Special Educational Needs is meant to identify the complex needs of a small number of children who will need additional help in their education. It will set out the ways in which those needs will be met and ensure the Local Education Authority (LEA) keeps a regular overview of your child's progress. Normally other professions such as therapists will be involved in the planning and support. If you think your child needs a formal assessment, you can start the process and take an active role in the assessment. A sample letter is contained at the back of this factsheet. If you do not start this process, your child's needs may be identified by the school and the statementing procedure commenced.

## **Time-scale**

Once the LEA is in receipt of your letter requesting an assessment, it has six weeks to conduct an initial investigation. This is to find out if there is a need for formal assessment. You should receive a response from the LEA giving you information about how they will make the initial assessment, who they will ask for advice and details of Parent Partnership organisations.

You may also receive information about the LEA policies and how your child may be helped without a statement. If the LEA does not start the initial investigation, you should write again and remind them that the six-week period started when they received your first letter.

You may find it helpful to contact the Parent Partnership group as they will have local information, which could help you.

Do keep a copy of all letters and documentation and do follow-up telephone calls with a letter outlining the content of the conversation.

## **Outcomes**

At this stage there are two possible outcomes:

The LEA agrees to make a formal assessment

The LEA does not agree to make a formal assessment

## Sample letter to the LEA asking for a formal assessment

*Date*

The Director of Education

*(Address from the school or send to County Council offices).*

Dear Sir,

I am writing to request that you make a full and formal assessment of my son/daughter's *(name and date of birth)* special educational needs as set out in the Code of Practice.

My son/daughter attends *(name of school or playgroup/nursery)* and has learning difficulties that affect his/her ability to access an adequate education.

*(List the difficulties as you see them)*

I know that you have six weeks to make an initial assessment of whether his/her needs require formal assessment and hope that this time may be shortened by the enclosed information.

*(Send copies of any reports you may have from teachers, therapists, doctor or educational psychologist)*

The following people are involved with my child and I would like you to get advice from them. If you do decide not to seek advice, please let me know so that I can get advice and submit it myself.

*(List the people involved with your child)*

I would appreciate it if you would send me copies of any advice as you receive it. I understand that you are not obliged to let me have advice at the time of receipt but many authorities now see this as good practice for working in partnership with parents. I wish to be informed of all assessments, formal and informal, and would like the opportunity to be present at these assessments.

I would also be grateful if you could supply me with the number of a Parent Partnership Group or Independent Parental Supporter.

Yours faithfully,

## 2. Independent Parental Supporters

Local Education Authorities will be required to give you the names of organisations providing an Independent Parent Supporter (IPS) service. These will often be parents who have experience of special needs or, in some cases, may be retired professional people who want to continue to help parents.

Most IPS workers will be volunteers but they will all have received training in the education issues and legal areas of the assessment process. The LEA will directly or indirectly manage some IPS services, and independent or charitable groups will manage others. They should all work to a code of practice that ensures you receive truly independent advice.

The IPS service will ensure you are given every opportunity to become involved in the assessment. If you need advice on how to put your own contribution together or need someone to go with you to meetings, the IPS service should be able to help.

### **The IPS can**

- Tell you what you need to know about formal assessments.
- Tell you about any local arrangements, which are in place.
- Help you make your own contribution.
- Attend meetings with you.
- Go through letters and reports with you.
- Tell you about any other agencies offering support with benefits or childcare.

### **The IPS cannot**

- Advise you about a particular school or course of action.
- Advise you about legal assistance.
- Advise on your child's disability.

## 3. Finding out more about possible schools

When you visit schools, you will want to compare their strengths and weaknesses. You will get an impression of their sense of order, their attitude to the pupils and a general sense of purpose by walking around. To get a clear picture of their knowledge, skills and experience you will need to ask specific questions such as those suggested below. You will want to ask some questions of your own and it is a good idea to write down the responses as this will build up a picture of each school you visit and you will be better able to make comparisons.

### Suggested questions

- How many pupils are in the school?
- What is the layout of the school? (e.g. is it on one level, are there several buildings?)
- What is access like? (e.g. ramps, lifts, handrails).
- Are there disabled changing facilities?
- How many pupils are there in each classroom?
- Is there space in the classroom for any equipment your child needs? (e.g. extra space to organise work, computer, support, wheelchair or standing frame).
- Have they experienced pupils with a similar difficulty?
- What facilities do they have or will they provide to support your child's needs?
- Where will you get support to plan to meet your child's needs? (e.g. accessing the curriculum, training to use specialised equipment, therapy, social integration).
- How would the school deal with any physical or learning difficulties, which your child had or which he/she developed?

**Add any questions that may be specific to your child.**

## 4. The assessment

If the LEA has agreed to make a formal assessment of your child's special educational needs, they will send you the following:

- Information pack with time-scales (detailed where appropriate in other areas of this pack), assessment process and parent support groups.
- Details of special need services in your area.
- Request for parental advice with a list of questions on your child.

If you have not already done so, you should now write to them giving a list of people you want them to contact and ask to be sent all the advice as the LEA receives it. Also ask to be told about all assessments, formal and informal, as you may wish to attend.

### The assessment

When you attend any assessment, whether by a psychologist or therapist, you can use the following tips to guide you.

- What is the assessor trying to find out about your child?
- How does he/she plan to go about it? (The assessor may show you test materials, the room or explain the sequence of actions.)
- After the assessment, ask what has been found out and what effect it will have on your child's learning.
- Follow up with questions on how those needs can be met:
  - Will your child need special equipment?
  - Will there be a need for additional staff?
  - Will the staff be trained in any way?

Write down the answers and agree these with the assessor before leaving.

You may think it advisable to have a pre-meeting but this would not be practical. However, a phone call could be useful. It is also advisable to ask the psychologist to see your child in more than one setting particularly if the child is not at the formal age for testing.

You will receive a **proposed** statement, which gives you additional time to organise extra reports if required. In most instances, you have only 15 days to register to an objection. After this, you will receive a

**final** statement. This gives you two months to register an objection.

## **Reports**

You may be able to receive the reports as the LEA receives them or they will all come with the proposed statement. Read through carefully and check them against your notes. Does the report reflect the things you talked to the assessor about? Does the report mention the equipment, staff or training you discussed?

If you are happy with the reports, check them against the statement. If the report is not what you expected, contact the assessor and ask for a meeting to discuss it. It may be useful to have someone with you, such as a representative from the parent partnership group.

If you are not happy with the statement, you should:

- Contact your parent partnership group for support.
- Write to the LEA stating that you are unhappy with the statement and why.
- Ask for a leaflet on how you can get help from the Special Education Needs Tribunal.
- Be prepared to meet LEA officers to discuss your concerns.

At all stages you have 15 days to object but after receiving the final statement you have two months to register a complaint with the Tribunal but, again, only 15 days to inform the LEA.

## **Outcomes**

- You receive an amended statement that is acceptable to you.

You cannot reach agreement and you decide to proceed to Tribunal.

# 5. Conciliation

All Local Education Authorities have been asked to plan conciliation arrangements with an independent element. Some LEAs already have this in place. If you are in dispute with your LEA over your child's educational needs, you can ask if there are conciliation arrangements in place.

## What conciliation can do

- Provide a setting for you to listen to what the LEA is proposing.
- Allow you to state your objections and have them listened to.
- Discover areas of agreement that do not need further exploration.
- Allow you to talk through any possible areas where compromise might be reached.

## What conciliation cannot do

- It cannot make any verbal agreements binding on either side.
- It cannot make any suggestions for possible solutions although you or your supporter can put forward suggestions to achieve a solution.
- It cannot be used as evidence in the Tribunal if the case proceeds.
- It cannot be used to delay your access to Tribunal.

Conciliation is entirely voluntary and you may find that you can sort out some of the issues; certainly you have nothing to lose. In some cases you will resolve your differences and in others you may be more determined to proceed to Tribunal.

## 6. The special education needs (SEN) tribunal

You can ask the SEN Tribunal to look at your case if:

- You ask the LEA to make a formal assessment or re-assessment of your child and they refuse.
- Your child is assessed but the LEA do not issue a statement.
- Your child has a statement but you are not happy with the needs or provision as they are stated in Sections 2 and 3.
- The LEA names a school and you do not agree.
- The LEA amends a statement in a way you do not like.
- The LEA decides to withdraw the statement and you disagree.

If your child is not in education after age 16, the statement will cease.

If you want to take your case to Tribunal for one of the above reasons, you should get a leaflet on “Going to a Tribunal” from your Local Education Authority. You will probably need help and support so get in touch with a local parent partnership group as soon as you get the proposed statement. You will be offered a meeting with the authority and may be offered independent conciliation to work through your objections. If you cannot agree, the LEA will issue the final statement and you may then register your objections with the Tribunal.

When registering an objection you need to submit your case and copies of all paperwork to the Tribunal. Try not to feel threatened by the process or unsure about what you can mention. The Tribunal has a guidance booklet for parents entitled “How to Appeal” and your LEA should ensure you receive a copy of this. Work is underway on the production of an associated video.

### The Tribunal

The Tribunal will be made up of three members:

- The Chairman, who will be legally qualified.
- Two Members, who will have expertise in education or local government.

## What can you send?

- All the correspondence you have had with the LEA or school.
- Your concerns about the statement.
- Reasons why you feel a particular school cannot meet your child's need adequately and why a different school could. You can include extracts from recent Ofsted inspections or other evidence of staffing or staff expertise.
- If possible, a short video of your child to point out the social skills, needs for therapy or good verbal skills your child may have.
- More detailed reports from experts in the particular field of disability.

## What you need to know

The statement can only be judged against the advice provided in the Assessment Reports. If you want a provision that is not in this advice, you need to find an expert who will recommend such provision and preferably one who does not benefit from giving this advice.

The school is not chosen on the basis of being the **best** to meet need but on the basis that it is **adequate**. (In this context "adequate" means sufficient to meet needs). If you disagree with the choice of school you have to show how it is not able to meet your child's specific needs as opposed to not being the "best" school.

You will normally have up to two months to send information and documents to the Tribunal. There are tight time-scales for the Tribunal to receive additional information and these will be notified to you.

## Going to Tribunal

The Tribunal will be held as near to you as possible. You may have someone to represent or support you and you can take two independent witnesses. Some parents feel they need legal representation, but if you do decide this, the LEA will automatically take their own legal representative and this may increase tension. Tribunals are designed to support parents who represent themselves.

## 7. Useful addresses and sources of help

The following organisation may be useful in providing advice and information on all aspects of special education and statementing.

Advisory Centre for Education

1C Aberdeen Studios

22 Highbury Grove

London N5 2DQ

Tel: 0808 800 5793 (Advice 2–5pm)

Fax: 020 7354 9069

Email: [enquiries@ace.dialnet.com](mailto:enquiries@ace.dialnet.com) (only for those that cannot access telephones due to a disability)

Website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)

Offers guidance to parents and other on all aspects of school education. Various publications.

Alliance for Inclusive Education

Unit 2

70 South Lambeth Road

London SW8 1RL

Tel: 020 7735 5277

Fax: 020 7735 3828

Email: [info@allfie.org.uk](mailto:info@allfie.org.uk)

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

Aims to end compulsory segregation of children with disabilities or learning difficulties from mainstream schools and communities. Membership, newsletter and publications.

Centre for Studies on Inclusive Education (CSIE)

New Redland

Frenchay Campus

Coldharbour Lane

Bristol BS16 1QU

Tel: 0117 328 4007

Fax: 0117 328 4005

Website: <http://inclusion.uwe.ac.uk/csie/csiehome.htm>

CSIE works towards inclusive education for all children. It provides help and support for children who have disabilities or learning

difficulties and who wish to remain in mainstream education.  
Information and advice.

Department For Education and Skills  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London SW1P 3BT  
Tel: 0870 001 2345 (education enquiries)  
0845 60 222 60 (publications)  
Fax: 020 7925 6000  
Email: [info@dfes.gov.uk](mailto:info@dfes.gov.uk)  
Website: [www.dfes.gov.uk](http://www.dfes.gov.uk)

<http://inclusion.ngfl.gov.uk>

DfES produces various booklets. The inclusion website also provides online educational materials.

Gabbitas Educational Consultants Ltd  
Carrington House  
126–130 Regent Street  
London W1B 5EE  
Tel: 020 7734 0161  
Fax: 020 7437 1764

GES produces a guide to special education needs education in the UK with details of over 2,000 educational establishments with provision for special needs.

Independent Panel for Special Education Advice  
6 Carlow Mews  
Woodbridge  
Suffolk IP12 1EA  
Tel: 0800 0184016 (advice line)  
Website: [www.ipsea.org.uk](http://www.ipsea.org.uk)

Advice for parents which may include problems with LEA over assessment or statements and help with appealing to the Special Educational Needs Tribunal.

**This document is for information purposes only.**

## **For more information about cerebral palsy and Scope services**

Contact Scope's Cerebral Palsy Helpline for information, advice and support. Copies of all Scope's information sheets can be downloaded from the website or obtained from the Helpline. Referrals to Scope's Community Teams and services can be made through the Helpline.

**The Helpline hours are:**

**Monday - Friday 9 am to 9 pm. Weekends 2 pm to 6 pm**

**Cerebral Palsy Helpline**

**PO Box 833**

**Milton Keynes**

**MK12 5NY**

**Tel: 0808 800 3333**

**Fax: 01908 321051**

Email: [cphelpline@scope.org.uk](mailto:cphelpline@scope.org.uk)

Scope's website address is [www.scope.org.uk](http://www.scope.org.uk)

Scope acknowledges the help and support of everyone who has been involved in the production of this information.

This information can be made available in other formats if required eg. large print or tape. We also have information about Scope and cerebral palsy available in 13 languages on audiotape and can offer a telephone interpreting service to people whose preferred language is not English.

Please contact Scope's Cerebral Palsy Helpline for more details of these services.

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