

# *Making a Request for Statutory Assessment (Statementing):*



*Some Questions and Answers*

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## What is a statutory assessment?

Many children have special educational needs at some time in their school life. For most children the help their own school can give is enough to meet their needs but a small number need more help than their school can provide.

To find out what extra help these children require, the LEA must arrange a special assessment involving the school, an educational psychologist and a doctor as well as anyone else who is able to provide useful information. The way this assessment must be done is laid down in the 1996 Education Act which is why it is called a statutory assessment of special educational needs.

If the assessment shows that a child does need more help than the school can provide, then the LEA will make a statement of special educational needs. This is why the assessment is sometimes called “statementing”.

## What rights do parents have to request a statutory assessment?

According to the 1996 Education Act, parents have the right to ask their local education authority (LEA) to carry out a statutory assessment of their child’s SEN.

When the LEA receives a parental request, it must agree to carry out the assessment unless:

- it has completed an earlier statutory assessment within the last six months; or,
- the evidence provided to them indicates that a statutory assessment is not necessary.

If the parental request is agreed then the assessment must follow the same timescales as an assessment begun in any other way.

## When should I request statutory assessment for my child?

Almost always it is best if requests are only made to the LEA after your child has been receiving extra help at *School Action Plus*<sup>1</sup> for a period of time. In this way, the suggestion for a statutory assessment can be discussed between yourself, the school and the external specialists. Also, everyone who will need to give advice for the assessment will already know your child and will be in a better position to describe his or her progress and SEN and the kind of help that works best.

If the suggestion for a statutory assessment has been discussed in a review meeting and everyone agrees that a statutory assessment is needed, then it is usually best for the school to send in the request. They can make sure that all the evidence the LEA needs to decide about the assessment is included with the request.

However, if you believe that your child's needs are not being met through *School Action Plus* but the school and the external specialists do not agree with you about requesting a statutory assessment, then you can make the request yourself.

Finally, if your child has complex needs that you believe are too great for a mainstream school to meet from its normal resources, then you can request an assessment before your child begins school. However, it is probably still best if the request is submitted jointly by yourself and the educational specialists who are working with you and your child.

<sup>1</sup> Or *Early Years Action Plus* for children in reception or below

## What is School Action and School Action Plus?

The SEN Code of Practice, which was published by the Government in 2001, gives guidance on the identification and assessment of children with SEN and how they should be helped to progress. It describes two levels of help for pupils with SEN but without a statement:

- **School Action**

Extra help provided by the school using its own resources, including the specialist staff within the school.

- **School Action Plus**

More intensive help provided by the school using its own resources but supported and guided by external specialists such as specialist teachers and educational psychologists.

**NB:** *In Reception and pre-school settings the terms Early Years Action and Early Years Action Plus are used instead of School Action and School Action Plus.*

## How can I tell if my child is receiving School Action help or School Action Plus help?

The school must discuss your child's needs with you before starting *School Action*. Then, if you agree to your child having *School Action* help, the school should make an *individual education plan (IEP)* and give you a copy. After this the school should review the IEP and your child's progress with you on a regular basis, usually at least twice a year.

If your child does not make reasonable progress with *School Action* help, then the school may suggest a move to *School Action Plus*. (You could also suggest this if you think it is necessary.) If you agree and consent to a referral to an external specialist, then your child will be at *School Action Plus* once the specialist becomes involved. The school will then produce a new IEP with the help of the specialist and give you a copy. Again, the school should review the IEP with you on a regular basis.

## What should I think about before requesting a statutory assessment?

Having a statement has disadvantages as well as benefits. Children receiving extra support can become less independent and they can lose self-esteem because, for example, they feel labelled or singled out. The assessment itself can be upsetting for some children.

On the other hand, extra support can also help to increase confidence and ensure that class work is more manageable and less frustrating. How it would affect your child would depend upon his or her particular needs and personality.

Whatever the case you should think carefully and ask yourself some questions before requesting an assessment, such as;

- Is my child making reasonable progress?
- Is he or she reaching the targets in his or her IEP?
- Has the school done all it should to help my child?
- If not, what else could it do?
- Is there anything else I could have done?
- What do I want out of the assessment?
- Will it help my child? What benefits do I expect?
- What disadvantages might there be in having an assessment?
- Will a statement mean my child is singled out and treated as different?
- If so, how would my child cope?

You should really only ask for an assessment if you are sure your child is not making reasonable progress and the school has done all it should to help. Also, you need to be confident that the benefits will be greater than the disadvantages.

## Can I make my request at any time during the year?

Requests can be made at any time during the year but it is best to avoid the Summer Holiday and the last few weeks of the Summer Term. It can be difficult to get information from schools and specialists during this period. Also it may make the assessment very difficult since specialists will not be able to see your child in school to help assess his or her needs.

## Can I request an assessment if my child attends an independent school?

You can request an assessment if your child attends an independent school. Your request will be treated like any other request but you will need to provide detailed supporting evidence as it may be the first time that the LEA hears about your child.

Your request is more likely to be agreed if there has already been some involvement of specialists in planning special help for your child. If this has not happened, then the LEA may ask one of its own specialist staff to become involved before agreeing the assessment.

## Can I request an assessment if I am educating my child at home?

You may request an assessment if you are educating your child at home. Your request will be treated like any other request but you will need to provide detailed supporting evidence as it may be the first time the LEA hears about your child.

Your request is more likely to be agreed if there has already been some involvement of specialists in looking at your child's needs. If this has not happened, then the LEA may ask one of its own specialist staff to become involved before agreeing the assessment.

## May I request an assessment if my child only receives support through School Action and there are no external specialists involved?

The SEN Code of Practice advises that children should normally have received support for a period through *School Action Plus*<sup>2</sup> before a statutory assessment is started.

This means that requests for statutory assessment of a child at *School Action* will only be agreed in exceptional circumstances.

## How do I make the request?

You can make your request by writing to:

Pupil and Parent Services Manager,  
Dryden Professional Development Centre,  
Evistones Road,  
Gateshead, NE9 5UR.

You should enclose evidence to explain and support your request so that the LEA can judge whether or not the assessment is necessary.

The Parent Partnership Service can help you to prepare your evidence. You can contact the service by telephone. (Telephone Number 0191 433 8353).

## What evidence should I provide with my request?

Gateshead LEA will always ask for information from your child's school and any specialists who are involved with your child. However, as you are making the request, it is important for you to provide evidence to help the LEA to decide whether or not to agree. Your evidence should include the following:

- A short statement saying why you are making the request.

<sup>2</sup> i.e. external specialists have been involved with your child

- A list naming any specialists involved with your child such as an educational psychologist, a specialist teacher, a speech and language therapist, a doctor, etc.
- A description of your child's difficulties and strengths.
- Your comments on your child's progress when being helped through *School Action*.
- Your comments on your child's progress when being helped through *School Action Plus*.
- Comments on your child's views on his or her difficulties and progress at school.

It would also help if you could include:

- Copies of the individual education plans (IEPs) drawn up for your child covering at least the last year to eighteen months and records of the meetings called to review the IEPs. (Your child's school should have sent you copies of these - if they haven't it is your right to ask for them.)
- Copies of recent school reports.
- Copies of any reports from specialists.

As mentioned above, the Parent Partnership Service can help you with compiling your evidence.

## **If the LEA refuses my request, can I appeal?**

If the LEA refuses your request and you disagree with the reasons, there are three things you can do:

1. Arrange a meeting with LEA Officers to discuss the refusal and try to agree a way forward.
2. Request mediation from the Regional Disagreement Service.
3. Appeal to the SEN and Disability Tribunal (SENDIST). If you wish to appeal to SENDIST, you must do so within 2 months of receiving your refusal letter.

## What other sources of information are there?

### **Gateshead Parent Partnership Service**

Children and Young People's Trust  
c/o Gateshead Council  
Council Offices  
Prince Consort Road  
Gateshead NE8 4HJ  
Tel: 0191 433 8353  
E-mail: [marjoriefrank@gateshead.gov.uk](mailto:marjoriefrank@gateshead.gov.uk)

### **Facilitating Inclusion North-East (FINE)**

The Regional SEN Partnership  
Website: [www.fine-partnership.org.uk/](http://www.fine-partnership.org.uk/)

### **Facilitating Agreement North-East (FANE)**

The Regional Disagreement Resolution Service  
Harewood House, 14 Harewood Hill, Darlington,  
Co Durham DL3 7HY  
Tel/Fax: 01325 254548  
Website: [www.fine-partnership.org.uk/](http://www.fine-partnership.org.uk/)

### **The Parents Centre**

The Government's education website for parents  
Website: [www.parentscentre.gov.uk](http://www.parentscentre.gov.uk)

### **Department for Education and Skills' SEN website**

(This web address will take you to the Teachernet website)  
Website: [www.teachernet.gov.uk/wholeschool/sen/](http://www.teachernet.gov.uk/wholeschool/sen/)

### **SEN and Disability Tribunal**

Mowden Hall, Staindrop Road, Darlington DL3 9BG  
Helpline: 0870 241 2555  
Website: [www.sendist.gov.uk](http://www.sendist.gov.uk)

### **Useful links from Teachernet**

[www.teachernet.gov.uk/wholeschool/sen/links](http://www.teachernet.gov.uk/wholeschool/sen/links)



Making a Request for Statutory Assessment (Statementing):  
Some Questions and Answers  
was produced by Access & Inclusion, Learning & Children  
Dryden Professional Development Centre, Evistones Road, Gateshead NE9 5UR.  
Tel: 0191 433 8500

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