



Applying for a Statutory Assessment



**A brief guide to applying for
a Statutory Assessment**

**A parent or the
child's educational
setting can request
a statutory
assessment.**

Schools can provide a lot of help from their own resources for children with special or additional learning needs. However, some children with more severe or complex needs may need more help than the school can provide. These children may need a statutory assessment to establish what their difficulties are. This may lead to a statement of special educational needs which will set out the help the child must have.



Statutory assessments and statements are the responsibility of the Local Authority (LA) where you live.

Asking for a statutory assessment

Either you or your child's school can make a request for a statutory assessment. It is a good idea to do it yourself even if the school have said they will do so. See sample letter right.

Put your request in writing to the Director of Education at your Local Authority and include as much information as you can about your child's special educational needs and what help the school has given. You can also include any professional reports you have about your child. You should keep a copy of the request letter and make a note of the date as the local authority has six weeks to decide whether your child should have a statutory assessment. During this time the LA will gather evidence and a multi-disciplinary panel may meet to make the decision.

Remember, always ask in writing. Keep a copy of your letter. Make a note of the six week deadline for the LA's reply and contact SNAP Cymru if you don't receive a reply.

Sample letter - Statutory Assessment - Parental Request

Dear Sir/Madam

I am writing to ask you to assess the special educational needs of my child **[give your child's name and date of birth]** under Section 323 of the Education Act 1996.

I am making this request as is my right under Section 329 of the Act. I think my child may need more help than the school can provide. **[Give as much information as possible - Explain what your child's special educational needs are and how they affect them at school. Say which school your child attends, explain if your child has been receiving help and why you think it is not enough]**

The following professionals are involved with my child and I would like you to get advice from them. **[List the people involved with your child]** I am also sending you copies of other reports which may help you make your decision. **[Send copies of any reports you may have from a teacher, educational psychologist, doctor etc]**

I understand that you are required by law to reply to this request within six weeks and that if you refuse to carry out a Statutory assessment, I will be able to appeal to the Special Educational Needs Tribunal.

Yours sincerely
[Your name]

This assessment should take 26 weeks from the date that the LA received the request asking for an assessment.

There is a timescale for the LA to follow in terms of what they should be doing and when.

Week 1 - Week 6

This is when the LA will ask you, the school, and other professionals for initial information about your child. They will want to know how the school has helped your child and about the progress they have made.

The LA will need to see as much information as possible in order to make an informed decision about whether a Statutory Assessment is needed. They will need to see things like Individual Education Plans, samples of work and copies of reports from any specialist who may be involved.

The LA now decides whether to carry out an assessment. In some cases the LA may decide to give advice to schools on how to meet your child's needs.

If the LA decides that it is not necessary to carry out an assessment, they will write to you and explain why they have to come to this decision. They will also write to the school to let them know their decision.

The SEN Code of Practice says that you should fully understand how the school will be helping your child, and how they will review your child's progress. If you are not happy with this decision you can appeal to the Special Needs Tribunal for Wales (SENTW). SENTW was set up by the Welsh Government as an independent panel, to look at decisions LA's make which parents are not happy about. If you need more information about this, contact your local SNAP Cymru office.

You may also see the following words, these are replacing the term Special Educational Needs

- **Additional Learning Needs**
- **Additional Educational Needs**
- **Additional Needs**

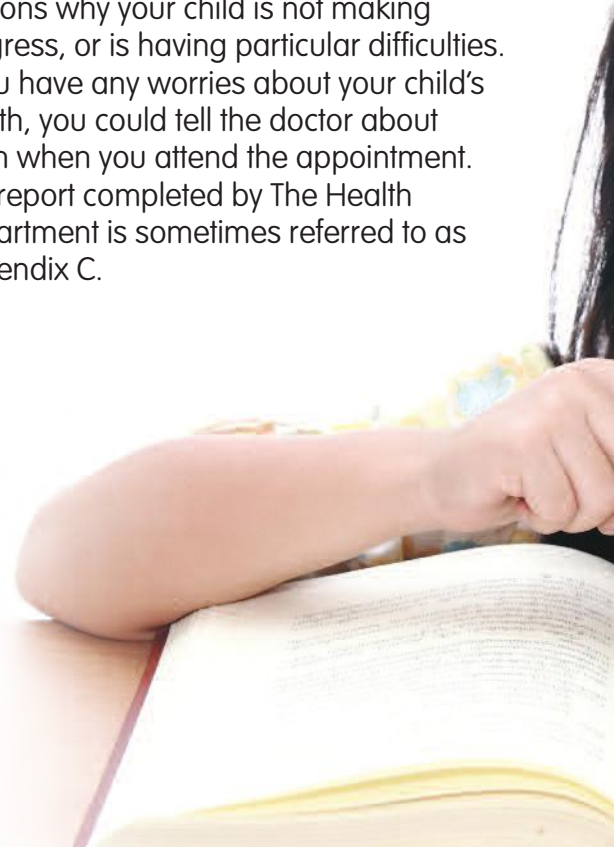
Week 7 - Week 16

When the LA has looked at all the initial information, they may decide that your child will need a full statutory assessment. The LA may then ask for further information about your child; they will do this by sending out a questionnaire sometimes called appendix A or Parental advice

They will ask you what you feel your child's difficulties are and what help you think your child needs. This can be difficult to do, but SNAP Cymru can help.

The school will complete a form telling the LA all the difficulties your child is currently having. They will tell them how they have helped and how effective that help has been. They will let the LA know of any teacher assessment results they have, e.g. reading and spelling tests. The LA will want to know as much about your child as possible so that they can decide what your child needs. This form is referred to as Appendix B.

The Child Health Department will arrange for you child to have a medical, which usually takes place at the hospital. This will happen, even if your child has already had a school medical. They are checking to see whether there could be any medical reasons why your child is not making progress, or is having particular difficulties. If you have any worries about your child's health, you could tell the doctor about them when you attend the appointment. The report completed by The Health Department is sometimes referred to as Appendix C.



The Educational Psychologist will go into school to assess your child. He or she may already know your child, but will be asked to write a new report for this assessment. The Psychologist will usually tell you when they are going to school and they may be able to speak to you about your child afterwards. It is usually not a good idea for you to be present for the assessment, as the Psychologist will want to see how your child is managing within the classroom – and your child will not be used to working in the classroom with you present. The report produced by the Educational Psychologist is sometimes referred to as Appendix D.

The Social Services Department will be asked if your child is receiving any services from them. Sometimes parents can be worried about this, but it is only making sure that everyone involved with your child can be part of the assessment. If your child has never seen anyone from Social Services then they will return the form to the LA saying they don't know your child. It doesn't mean that the Social Services Department will need to see your child. This is sometimes referred to as Appendix E.

If your child is seeing a Physiotherapist, Speech and Language Therapist or an Occupational Therapist they will be asked to write a report. The assessment is about YOUR child, so it is important that you have reports from anyone that you think knows your child well. You can suggest to the LA people you feel know your child and could write a report. Sometimes parents of preschool children like to ask the childminder, nursery or playgroup to write something about how well the child is doing there.

After they have received all the information, the LA will then decide whether your child needs extra support or whether the school has the resources they need.

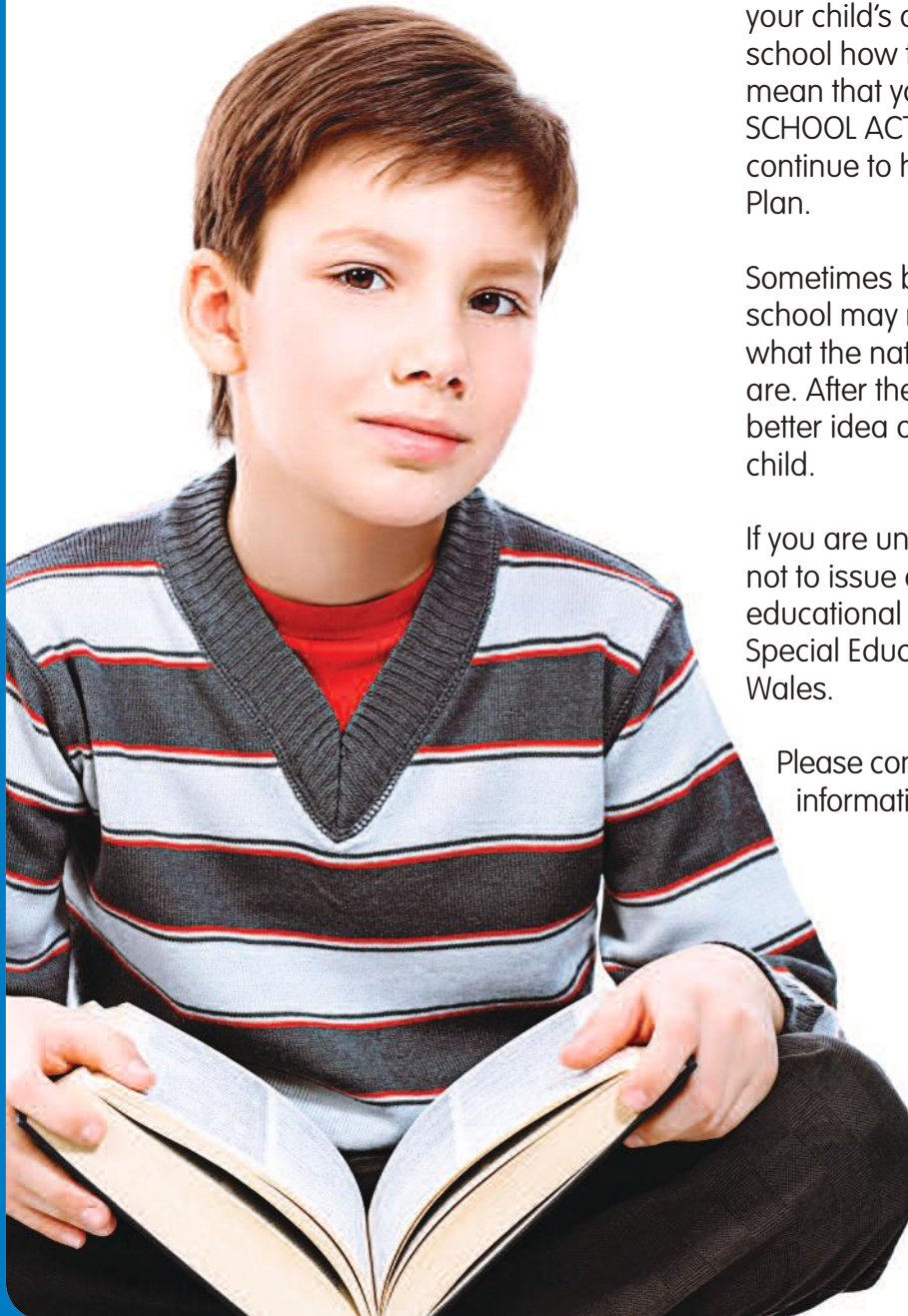
Your child may also like to contribute to the assessment. You will know how best they can do this.



At this time there are two decisions the LA can make, they might decide to :-

1. Issue a statement of special educational needs

The LA may decide that your child's needs require additional resources or help additional to what is already available in school or;



2. Not Issue a statement of special educational needs

The LA may feel that after the full assessment they now understand your child's difficulties. They may decide that the school has the resources to meet those difficulties.

They might issue a NOTE IN LIEU. This is a document which will set out clearly what your child's difficulties are, and will tell the school how to help your child. This will mean that your child will receive help at THE SCHOOL ACTION PLUS stage. Your child will continue to have an Individual Education Plan.

Sometimes before the assessment the school may not have really understood what the nature of your child's difficulties are. After the assessment they will have a better idea of how to specifically help your child.

If you are unhappy about the LA's decision not to issue a statement of special educational needs you can appeal to the Special Educational Needs Tribunal for Wales.

Please contact SNAP Cymru for more information.

Week 17 – Week 18

If your child receives a STATEMENT OF SPECIAL EDUCATIONAL NEEDS the LA will put together all the information they have received and detail the help they suggest for your child's needs. They will send you a draft copy and this is called THE PROPOSED STATEMENT. Please see leaflet 'The Statement of SEN'

When you receive the proposed Statement you will be asked if you are happy with it and whether you agree with what the LA feel is the right provision for your child. SNAP Cymru would be happy to look through the Proposed Statement with you, as it can look very strange to see all your child's difficulties written down you will also notice that a school has not been named. This will not be completed until the placement has been agreed. You will be asked to send in your views within 15 days. If you don't tell the LA what you think, they will go ahead and finalise the proposed statement.

You have two weeks to talk to the LA about how you feel. SNAP Cymru can support you with this. It is often a good idea to write down your concerns and go and meet with the people in the LA who have written the statement, to see if you can agree to change anything you are not happy with.

Week 19 – Week 26

The LA will finalise the Statement. If you are not happy with the final statement then you have the right to appeal to the SPECIAL EDUCATIONAL NEEDS TRIBUNAL for WALES.

You can appeal against:-

1. The description of your child's special educational needs on the statement.
2. The description of the educational help in the statement that the LA thinks your child should get.
3. The school named in the final statement.

You can only appeal to the SEN tribunal for Wales when you have the FINAL STATEMENT

You cannot appeal against anything you don't agree with in the PROPOSED STATEMENT – you have to wait until you receive the Final Statement. The LA will send you the final copy of the Statement, which you need to keep safely. Sometimes it can be difficult to decide which is the proposed and which is the Final Statement – the difference is the Proposed Statement never has a school named in Part 4.

Remember if at any time you are worried or disagree with decisions, SNAP Cymru offer support for informal disagreement resolution meetings. Formal Disagreement Resolution meetings may also be arranged.

Statutory Time Limits

The LEA has to decide from the initial information that a full assessment is necessary:

This takes 6 Weeks

The LA will notify the parent of their decision. If the LA decides NOT to carry out a full assessment the parent can appeal to the SEN Tribunal for Wales. If it is agreed that a full assessment is needed, the LA must seek advice from the parents, school, health department, educational psychologist and social services.

This takes 10 Weeks

The LA will decide whether to make a statement or not. If they decide not to make a statement parents can appeal to the SEN Tribunal for Wales. The LA will notify the parent of their decision. At this point they will issue a 'PROPOSED' statement. If the LA decides not to make a statement, they might issue a Note in Lieu.

This takes 2 Weeks

The LA will prepare the final statement.

This takes 8 Weeks

If the parent is unhappy with the contents of the final statement they can appeal to the SEN Tribunal for Wales.

Total 26 Weeks

You know your child best

All families have legitimate concerns about the provision and support for their children; this is particularly so when they have complex needs. As families you know your child best.

In addition children and young people with Special Educational Needs have a unique knowledge of their own needs and circumstances and have their own views about what sort of help they'd like and what they'd like to achieve in the future. The Statutory Assessment Process is an opportunity to have these concerns acknowledged and addressed.



Helpline: 0808 801 0608

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www.snapcymru.org