

Statutory Assessment of Special Educational Needs

Information for parents

Many children have special needs at some time in their school life. For most children, the help their school can arrange is enough to meet their needs. For a small number of children, we may need to set out how they get this support and decide if their school needs extra funding to provide it. To find this out we carry out a statutory assessment.

What is a statutory assessment?

This is a very detailed look at your child's difficulties, strengths and needs and may lead to a [Statement of Special Educational Needs](#). The procedures for statutory assessment are set out in *The 1996 Education Act* and *The Special Educational Needs Code of Practice*, available at www.teachernet.gov.uk/wholeschool/sen/sencodeintro/

Who asks for a statutory assessment?

Most requests are made to us by the school after your child has been supported at **School Action Plus** for a period of time. This means that:

- the suggestion for a statutory assessment can be discussed between you, the school and any external specialists
- everyone who will need to give advice for the assessment will already know your child and will be in a better position to describe their special educational needs and the kind of help that works best.

If everyone agrees that a statutory assessment should be requested, the school will usually make the request and include the evidence we need to decide about the assessment.

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 that a statutory assessment is needed you can make the request yourself.

If your child has not yet started school and has complex needs which everyone considers will be too great for a mainstream school to meet from its normal resources, it is probably best if the request is submitted jointly by you and the educational specialists working with your child.

What happens when we get a request for a statutory assessment?

We will write to you asking for your views and will look at these with information from the school. We have six weeks to decide whether to carry out an assessment and you will be given a date when you will receive our decision.

What happens if we decide not to carry out a statutory assessment?

We will write to you explaining why we feel that an assessment is not necessary and who you can talk to if you are unhappy with this decision. You can also appeal to the **Special Educational Needs and Disability Tribunal (SENDIST)** if you feel that your concerns can't be resolved by talking to us.

What happens if we do decide to carry out a statutory assessment?

You will receive a letter confirming this and asking you to provide written information and reports (known as advice). You will also be told when we will make a decision about whether we are going to issue a statement.

We have 12 weeks to collect information from:

- you
- your child's school
- health specialists
- the educational psychologist
- social care staff
- any other agency involved with your child

and reach a decision.

We will then send you either:

- **a proposed statement** which will summarise your child's special needs and set out the arrangements to support them. We are not allowed to name a school at this stage so Part 4 is left blank. You will also receive letters explaining what you need to do next, how you can express a preference for a particular school and all the reports received during the assessment

or

- **a note in lieu of a statement** if we believe that the school can meet your child's needs and has the resources to do so.

How long does it take for the final statement to be issued?

The guidance in *The SEN Code of Practice* is that the final statement should normally be issued no more than 26 weeks after receiving the request for a statutory assessment. We make every effort to meet this date. However, if we have any problems, for example with getting reports from professionals, this may delay the final statement. If this happens we will keep you informed.

We aim to issue the final statement within eight weeks of sending you the proposed statement. During this period, you can talk to us about any queries you have about the wording of the statement and how the support for your child is going to be arranged.

We will also need to consult with your preferred maintained school and look at any representations you may have made for your child to attend an independent school.

We are not necessarily obliged to name your preferred school if we think this would affect the education of the other children there, or if placing your child in that school would not be an efficient use of resources. If there is a suitable state school available, we have no legal duty to spend public money on a place for a child at a non-maintained or independent school.

Moderating panels help us to make consistent and fair decisions about statutory assessments, the support to meet children's needs and special school placements. The panels do not make the final decisions as this responsibility rests with Devon County Council.

If you don't agree with the final statement, you can appeal to the Special Educational Needs and Disability Tribunal (SENDIST) but we try, through discussion and meetings, to resolve any concerns that you have at an earlier stage.

Where can I get more information?

To request an assessment you can contact the **County Special Education Team (CSET)** at:

One Capital Court, Bittern Road
Sowton Industrial Estate
Exeter EX2 7FW

Tel **01392 383913**

Email **CSETmail@devon.gov.uk**

Or request an assessment online at **www.devon.gov.uk/cset**

You can also contact the **Devon Parent Partnership Service** which provides confidential, impartial support and information to parents about all aspects of the statement process. Call **01392 383080** or email **parentpartnershipservice-mailbox@devon.gov.uk**

The flowchart attached shows the stages and timescales of the assessment.

Factsheet County Special Education Team

