



EAST RIDING
OF YORKSHIRE COUNCIL

Children with Special Educational Needs

Statement



Information for parents and those with
parental responsibility

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Statement

Information for parents and people with parental responsibility.

In a very small number of cases the LA will need to make a statutory assessment of SEN and then consider whether or not to issue a statement. This booklet is aimed at helping you through the procedures carried out when the statutory assessment process has been completed and a Note-in-Lieu or proposed/final statement is issued.

The statutory assessment process is carried out in accordance with the Special Educational Needs Code of Practice (2001). A copy of this Code alongside 'Special Educational Needs (SEN) – A guide for parents and carers (2009) can be obtained free of charge by telephoning **0845 60 222 60** or by visiting the website at **www.dfe.gov.uk**

Directorate of Children Family and Adult Services

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Completed Statutory Assessments

Once all the completed statutory assessment reports have been submitted the case goes forward to the SEN Panel (details given previously) for a decision whether to issue a statement. If the decision is not to issue a statement you will be sent a Note-in-Lieu.

Note-in-Lieu

The Note-in-Lieu gives:

1. A description of your child's special educational needs
2. The reasons for not writing a statement and suggestions as to how your child's needs can be met
3. A description of your child's other needs and how they should be supported. Copies of all the statutory assessment reports will be sent with the Note-in-Lieu.

A Note-in-Lieu could contain as much detailed consideration and information as a statement and so provide parents and the early years setting/school with helpful guidance in supporting the child. Even though it may follow the same format as a statement it does not have any legal status and is an advisory document only. The decision to issue a Note-in-Lieu is usually because it is felt that the early years setting/school can meet the child's needs from within the resources normally available to them at Early Years/School Action or Early Years/School Action Plus.

Once the Note-in-Lieu is issued the statutory assessment process has formally finished. However if you have any further questions on this the SEN Section staff or the Education Officer (SN) will be happy to help you. This can include explaining the decision in more detail to you or arranging a meeting with you or others. Details are given on the decision letter sent to you and there is also a Next Step leaflet for your use.

You can contact the Parent Partnership Service for support and advice. East Riding Parent Partnership Service is able to offer impartial information, advice and support whenever you need it and can provide information about alternative sources of independent advice.

The service can allocate a trained volunteer Independent Parental Supporter (IPS). Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

East Riding of Yorkshire Council has access to a specialist SEN mediation service called Community Accord. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA. Using the mediation service does not affect your right to lodge an appeal with the Special Educational Needs and Disability Tribunal.

If you disagree with the decision to issue a Note-in-Lieu you can lodge an appeal with the Special Educational Needs and Disability Tribunal. Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

Proposed Statement

If the LA through the SEN Panel decides to issue a statement you will be sent a proposed statement together with all the reports. The statement will set out your child's needs and the special help he or she will receive. It is in six parts:

- Part 1. Details about your child, i.e. name, address, date of birth
- Part 2. A description of your child's special educational needs
- Part 3. The help that the LA considers will meet your child's needs
- Part 4. Where your child will be educated (this is left blank in the proposed statement as you will be asked which early years setting/school you would like your child to attend)

Part 5. Your child's non-educational needs

Part 6. How these non-educational needs should be supported.

If your child attends a mainstream early years setting/school and is assessed as needing a high level of additional adult support (27.25-34.75 hours per week) the school will receive additional resources specified in the statement.

Other levels of support are met from within the school's own funding. However, it should be noted that if a child's statement specifies a number of hours then the early years setting/school must provide it, as a statement is a legally binding document.

Early Years Setting/School Placement

Enclosed with the proposed statement will be a list of local mainstream schools, non-maintained (run by charities) and independent schools. Part 4 of the statement is left blank to allow you to say which early years setting/school you would like for your child. This can be an early years setting/school in your own LA area or in another area. The LA must agree if you ask for a mainstream school as long as your child's attendance will not seriously affect the education of other children at the early years setting/school. LAs and early years settings/schools are expected to take reasonable steps to try to avoid this before refusing your request for mainstream schooling.

The LA must agree to the particular maintained (schools maintained by a LA-any community, foundation, voluntary, community special and foundation special schools), mainstream or special school you want unless it can show one of the following:

1. The school is unsuitable for your child's age, ability and aptitude and the special educational needs set out in Part 2 of the statement

2. Your child's attendance would seriously affect the education of other children at the school i.e. the school is full or oversubscribed
3. Your child's attendance would not be a good use of resources (e.g. money, staff, facilities, transport).

If the school you would like for your child is non-maintained (run by charities) or independent, then you have the right to ask the LA to consider this. The LA does not have to agree, however, and it may suggest a maintained school, which it thinks is suitable.

The LA does not have to name the best school for your child but it does have to name a school that can meet your child's needs.

There are a very small number of children whose needs are so complex that they cannot be met in East Riding of Yorkshire. Following discussions with parents or those with parental responsibility these children may attend early years settings/schools out of county.

Response to Proposed Statement

We will ask you to respond to the proposed statement within 15 days and will advise you of that date. During this time we suggest that you read through the statement and reports. You will need to let us know your school preference and whether you want to ask for any changes.

If you wish to meet with the Education Officer (SN) you will have another 15 days following the meeting to make any further representations or ask for another meeting. We can arrange for more than one meeting if necessary. If any changes are agreed following our discussions you will receive a revised proposed statement. Please note however that we are required to finalise the statement 26 weeks from the date we received the request to carry out a formal assessment.

Included with your letter from the LA you will find a Next Steps leaflet which you may find useful.

Final Statement

After careful consideration the LA will confirm the proposed statement and it then becomes a legal document. This means that the provision given in the statement has to be delivered by the early years setting/school.

Once the statement has been finalised the early years setting/school should hold a planning meeting within six weeks of the statement being finalised.

Special Educational Needs and Disability Tribunal

If after the statement has been confirmed you still do not agree with its content then you will have the right of appeal to the Special Educational Needs and Disability Tribunal within two months of the date of the letter sent to you with the final statement.

Details are given on the Next Steps leaflet and the decision letter sent to you by the LA. However ongoing discussions with the LA can continue at the same time as the appeal process is ongoing.

The Special Educational Needs and Disability Tribunal is an independent tribunal which hears parents' appeals against certain decisions of the LA about a child's special educational needs and claims of disability discrimination against schools and LAs.

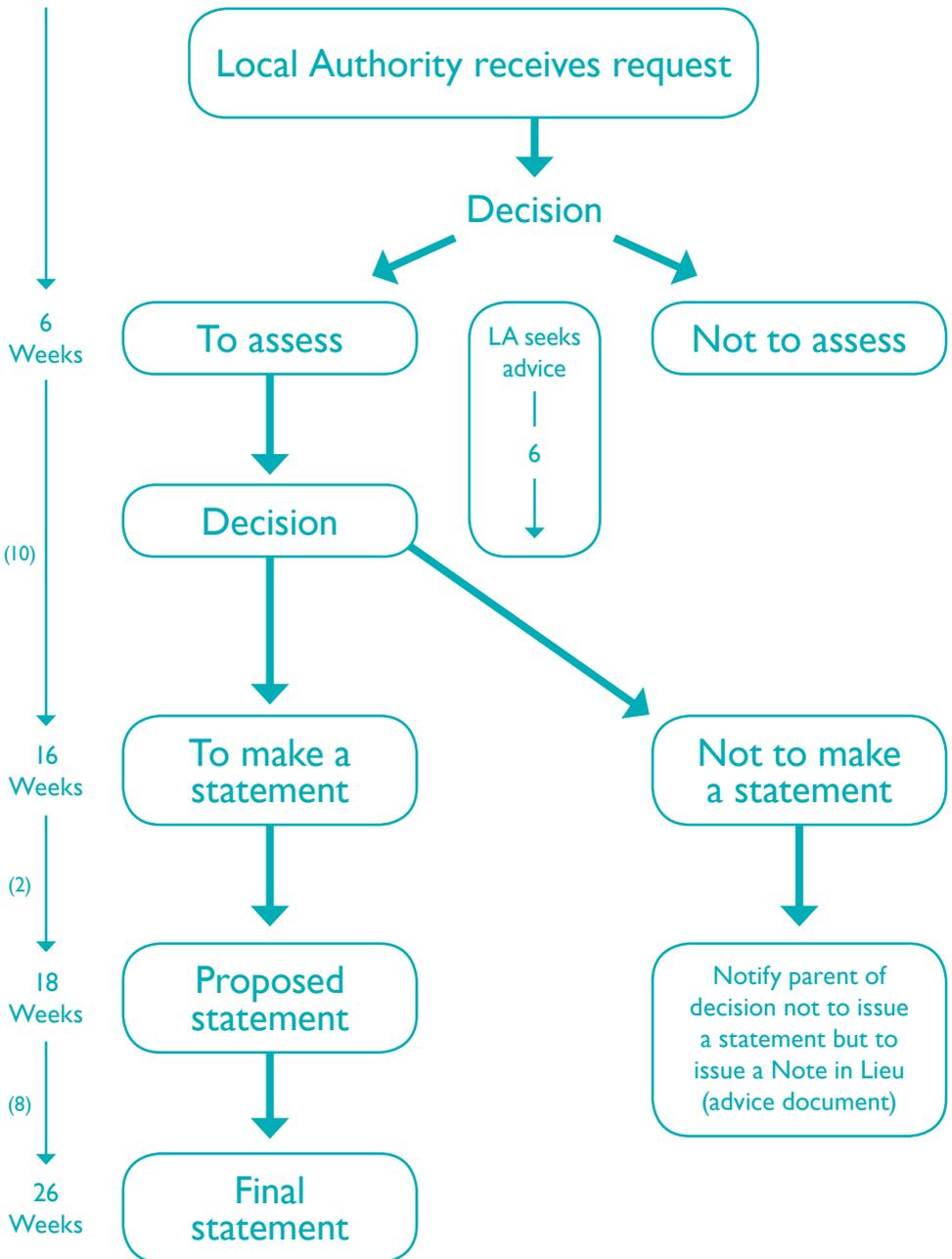
You can also contact the Parent Partnership Service for support and advice. East Riding Parent Partnership Service is able to offer impartial information, advice and support whenever you need it and can provide information about alternative sources of independent advice.

The service can allocate a trained volunteer Independent Parental Supporter (IPS). Details are given on the Next Steps leaflet and the decision letter sent to you by the LA.

Annual Reviews

Following this the statement will be reviewed annually (or can be every six months for pre-school children). You should receive an Annual Review booklet from the early years setting/school prior to the Annual Review being held.

Timescales for Statutory Assessment



The next pages are some of the most common legal words and jargon used in education

Annual Review: is a check on whether the statement is still right for the child. It takes place at least every 12 months but for children under five, the statement can be reviewed every 6 months if necessary.

Differentiation: teaching a child in ways and at levels which match their ways of learning.

Early Years/School Action: early years setting or school based help for children who have special educational needs but who do not have a statement. If the child is not making adequate progress within the early years setting/school's normal differentiated curriculum the early years setting/school should consider moving them to Early Years/School Action.

Early Years/School Action Plus: if a child on Early Years/School Action continues to make little or no progress the early years setting or school may consider moving them to Early Years/School Action Plus. At this stage the early years setting/school should consult specialists, whose advice will help the early years setting/school decide what help to give the child. This will be extra to and/or different from the help given at Early Years/School Action.

Expressing a preference: parents have the right to express a preference for a school and to give their reasons for that preference.

Individual Education Plan (IEP): a document which explains the extra help a child with special educational needs is getting and which sets targets for the child's improvement.

Learning difficulties: children with learning difficulties either:

- Find it significantly harder to learn than most children of the same age or
- Have a disability which makes it harder for them to use the same educational facilities (building, equipment etc) as other children in their area

A learning difficulty could result from a physical or mental impairment, a medical condition, behavioural, emotional or social problems, communication difficulties, or problems with learning to read etc. Children with learning difficulties generally need extra help at school and so are said to have special educational needs (often shortened to SEN).

Local Authority (LA): the education department of your local council referred to as the local authority (LA) now. It is part of the Children Family and Adult Services with social care.

Mainstream school: is a school which provides for all children including those with SEN and disabilities.

Named Officer: the person who liaises with parents over all arrangements relating to statutory assessment and the making of a statement.

Parent Partnership Service (PPS): local service who offer impartial information, advice and support to parents and carers of children with special educational needs. The service can allocate an Independent Parental Supporter (IPS) where appropriate. An IPS is a trained volunteer who can help parents by attending meetings, encouraging parental participation and can help to explain the SEN Framework.

Special Educational Needs and Disability Tribunal: an independent appeal tribunal which makes a binding agreement when there is a disagreement between parents and the LA about specific issues relating to statutory assessments and statements, or where there is a claim of disability discrimination.

Special Educational Needs Co-ordinator (SENCO): the teacher responsible for co-ordinating the special educational provision in the early years setting/school.

Special school: only provides education for children with SEN.

Special Educational Needs (SEN) Code of Practice (2001): is guidance written by the Government to ensure children with special educational needs get the right help at the right time at school. Schools and LAs are required to have regard to the SEN Code of Practice (2001).

Note-in-Lieu: describes a child's special educational needs when the LA decides not to write a statement.

Statement: a statement of special educational needs is a document in 6 parts, which is produced by the LA describing the child's needs and the provision necessary to meet those needs.

Statutory assessment: the formal assessment of a child's special educational needs. At the end of the assessment the LA will decide whether to issue a statement of special educational needs.

East Riding of Yorkshire Council will, on request, provide this document in Braille, audio or large print format. If English is not your first language and you would like a translation of this document into any other language, please telephone (01482) 393939.

Jesteśmy tutaj aby Państwu pomóc. Naszym celem jest udostępnienie każdemu naszych usług. Jeśli potrzebują Państwo pomocy tłumacza prosimy dzwonić pod ten numer **0121 377 2880**.

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