



UNIT-3

Statutory Assessment for Special Educational Needs

Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ *By the end of this unit, the learner will be able to:*
- ✓ Understand the purpose of conducting a statutory assessment and the various stages of the process.
- ✓ Discuss the potential outcomes of a statutory assessment and who is involved in conducting it.



Unit 3

Statutory Assessment for Special Educational Needs

Introduction

LEAs must identify and make a statutory assessment of those children for whom they are responsible who have special educational needs and who probably need a statement.

Sections 321 and 323, Education Act 1996.

In the vast majority of instances, children who are identified as having special educational needs can have their needs met sufficiently in a mainstream educational environment, without the need for a statutory assessment to be carried out by the local education authority (LEA). In these instances, the SEN pupil will be supported in accordance with *Early Years Action* and *Early Years Action Plus* or *School Action* and *School Action Plus*.

However, it is necessary for the LEA to conduct a formal statutory assessment of a child's special educational needs in some relatively isolated instances. Statutory assessments are conducted as something of a collaborative effort between the LEA, the parents of the child and their school, along with any other agencies or individuals involved in their care and support.

Statutory assessments are conducted to assess the nature and extent of the special educational needs of a child, in order to subsequently develop and introduce an appropriate program (or education, health and care (EHC) plan) accordingly.

However, a statutory assessment should *not* be carried out by the local education authority, unless it is genuinely believed that the child in question has special educational needs and there is sufficient evidence to support such an assumption. Following the assessment, a decision will be made as to whether or not the requirements of the pupil can be supported in a mainstream setting, or whether special arrangements and provisions need to be made as part of the pupil's education, health and care (EHC) plan.

Who Can Request an Assessment of the Child's Needs?

A request for a statutory assessment can be made at any time by a variety of parties.

For example, the parent or carer of the child may file a request for a statutory assessment, or the request may be made by a professional acting on behalf of a school – i.e. a teacher, support worker, social care professional etc. Though under no circumstances should a professional request a statutory assessment without first consulting with the child's parents, and with the pupil in question where possible.

A young person over the age of 16 but under 25 acting on their own behalf can also request a statutory assessment, if they believe they have special educational needs that have not been recognised.

In the event that a statutory assessment is carried out and the subsequent decision is considered dissatisfactory by the child's parents or educators, they may file a request for another assessment.

However, the LEA is not required to comply with such requests for the first six months following the outcome of the first request, though may choose to if they feel doing so is justified.

Applications from Schools and Education Settings

Requests for statutory assessments are now submitted online, enabling requests to be processed and considered much more quickly and efficiently than traditional paper-based applications. When submitting a request for a statutory assessment online, it is essential to ensure that you provide as much information as



possible and include all necessary supporting documentation.

Documents can be uploaded directly to the form as attachments, though strict limits are placed on file sizes. If you are unable to attach all the files you need to support your statutory assessment request, they can be sent by e-mail to the appropriate team.

Evidence to be Provided when Submitting a Statutory Assessment Request

The individual or educational institution submitting the request must make it as clear as possible as to why they believe the child in question should undergo a statutory assessment. It is also necessary to submit various forms of evidence along with the request form itself, including the following:

- the views of parents recorded at *Early Years Action* and *Early Years Action Plus* or *School Action* and *School Action Plus*
- the ascertainable views of the child
- copies of IEPs at *Early Years Action* and *Early Years Action Plus* or *School Action* and *School Action Plus*
- evidence of progress over time
- copies of advice, where provided, from health and social services
- evidence of the involvement and views of professionals with relevant specialist knowledge and expertise outside the normal competence of the school or setting
- evidence of the extent to which the school or setting has followed the advice provided by professionals with relevant specialist knowledge.

Source: *SEN Codes of Practice*

In some rare instances – particularly those that involve younger children with exceptional needs – the LEA may be willing to consider a broad and comprehensive report from the main professional working with the child as the only evidence required to support their request.

The Statutory Assessment Process

Conducting a statutory assessment is a complex and time-consuming task, which takes place over five separate stages and takes up to 20 weeks to complete.

Detailed below is a brief summary of what takes place during each of these five stages:

Stage 1 - Is an Assessment Needed? Weeks 1 to 12

When a request for a statutory assessment is submitted, the LEA must first determine whether or not it is necessary. According to official codes of practice, a formal decision must be returned to either the parent of the child or the young person submitting the request no later than six weeks from the date of its receipt. The details of the application will be considered in accordance with various conditions and guidelines as outlined in the Children and Families Act 2014. A wholly independent panel of specialists – comprising educators and professionals with a relevant background – will assist the LEA in determining whether or not the request for an assessment should be honoured.

This initial consideration of the application can lead to one of two outcomes:

Outcome One – *A statutory assessment is not considered necessary as the criteria for assessment have not been met.*

In the case of this outcome, the parent or young person who submitted the request will be sent a letter clarifying the reasons why they have not been deemed suitable for an assessment.



Outcome Two – *The child or young person is deemed to have met all necessary criteria to warrant a statutory assessment.*

At this point, a caseworker will be allocated to serve as the main point of contact for the parent or young person who submitted the application, who will explain what happens next.

Stage 2 - Preparation and Information Gathering: Weeks 1 to 12

If the decision has been made to go ahead with a statutory assessment, the next step is to begin the process of gathering information. A discussion will take place between the family and the caseworker – the importance of ensuring the child and the family remain at the very core of the assessment process cannot be overstated.

It is at this point that the caseworker will discuss the situation in detail with the parents and the young person affected, and desired outcomes/objectives will be decided upon. The formal deadline for completion of the assessment process in its entirety is 20 weeks following the date the original request for the assessment was received by the LEA.

The team tasked with preparing the child's education, health and care (EHC) plan will consult with a variety of individuals while performing the assessment, which may include the following:

- teachers and support staff
- social care workers
- medical professionals
- educational psychologists
- external support specialists
- teaching assistants
- speech and language therapists
- physiotherapists
- occupational therapists

In addition to the above, those conducting the assessment and working on the pupil's EHC will regularly consult with the parents, along with the pupil in question where appropriate.

The information gathering process focuses primarily on the following:

- a full and detailed description of the needs of the child
- the extent to which their needs could impact their education
- realistic and reachable goals or desired outcomes for the child

Stage 3 - Analysing the Information: Weeks 8 to 16

After all of the necessary information has been gathered and desired outcomes have been discussed, a team of SEN professionals will determine whether an education, health and care (EHC) plan is necessary. Again, there are two possible outcomes at this stage:

Outcome 1 – *The SEN professionals choose to issue an EHC plan*

If it is determined that an EHC plan is necessary, a draft version of the plan will be created and issued to the family. At which point, the family will have the opportunity to:

- request alterations to the plan
- select their preferred education placement



- request a personal budget

It is usually recommended for parents to meet with their caseworker to discuss the plan and any potential alterations in detail, rather than making important decisions alone.

Outcome 2 – The SEN professionals choose not to issue an EHC plan

In the event that the SEN professionals decide that an EHC plan is *not* appropriate, the family will be contacted by their case worker to discuss what happens next. A letter will also be sent to the family, indicating the reasons for not issuing an EHC plan and with supplementary evidence.

At this point, parents may exercise their right to appeal against the decision – something that should be discussed carefully with their caseworker, before going ahead.

Stage 4 – EHC Finalisation: Weeks 16 to 20

It's at this stage that the edited and amended EHC draft is subsequently signed off on and formalised, having been agreed upon by both the professional leads and the parents.

A copy of the final plan will subsequently be provided to the child or young learner (if appropriate), the parents or carers of the child and anyone who is to be involved in his or her ongoing assessment and support.

Stage 5 - Final Plan: Week 16 to 20

The final stage in the process involves the EHC team beginning the consultation and negotiation process to secure the child a place in the preferred educational environment indicated by his or her parents.

A meeting will be organized between the parents and the education provider, during which short-term goals and desired outcomes will be discussed, along with provisions required in accordance with the EHC plan.

Disputing an Education, Health and Care Plan

In the unlikely event that the parent, guardian or young person in question is not happy with the EHC plan (in full or in part), they may choose from one of the following options:

- seek independent mediation and request alterations
- contact the local authority to discuss their concerns
- lodge a formal appeal with the First Tier SEN&D Tribunal Service

While it is the legal entitlement of those concerned to appeal any decision returned by the EHC team, taking matters to such a level is usually not necessary.

It is almost always possible to reach a mutually amicable agreement and outcome through group discussions and independent mediation where required.

Time Limits for Statutory Assessments

Formal codes of practice state that it is essential for the LEA to ensure that all statutory assessments are conducted in an appropriately timely manner. Urgency is of the essence when assessing children with special educational needs, in order to ensure their requirements are adequately met as quickly as possible.

Likewise, time and resources should not be wasted unnecessarily, in instances where a child is deemed not to have met the criteria to warrant a statutory assessment.

It is also important for the LEA to ensure that parents or guardians are informed of any and all decisions made as quickly as possible, while providing them with full details of how and why the decision in question was reached. Parents must also be reminded throughout the process that they have the right to appeal, if



they are dissatisfied with any of the decisions made on behalf of their child.

The full assessment process will typically be completed within 20 weeks, with the issuing of the final copy of the statement taking place no later than 26 weeks from the date the request for a statutory assessment was received.

Views of the Child

It is the responsibility of the LEA to ensure that the views of the child or young person undergoing a statutory assessment are both sought and factored into all subsequent decisions made. Children are often able to provide invaluable information about the challenges they face, the support they need and what areas of their development they would like to focus on. Not to mention, their immediate and long-term objectives/aspirations.

If the child is able to do so, they may be asked to complete a 'pupil report form' to indicate their views and preferences. If it is not possible for the child to complete a pupil report form, the child's parents, teachers and anyone else who knows them well may be asked to gather their views and record their findings accordingly.

Though it is not always possible to factor the views of the child into the decisions made on their behalf, it is the responsibility of *all* parties involved in the process to make every attempt to do so.

Additional SEN Support if an ECH Plan is Not Issued

In the event that the SEN professionals choose not to issue an EHC plan, this does not mean that the child will not be provided with all the help and support they need to gain the maximum value from their education. It simply means that the help and support they need will be provided by their school and its staff, rather than the child being transferred to a specialist educational environment.

The support provided for pupils who struggle with their schoolwork due special educational needs is provided through a process referred to as 'Additional SEN Support'. This is a graduated, four-stage approach that helps ensure the immediate and changing needs of SEN pupils are met appropriately at all times.

By continuously revisiting and reconsidering the approach being taken, it becomes possible to refine and improve the supported being provided throughout the child's education.

This four-step cyclical process comprises the following stages:

Stage 1. Assess

In the first stage, everyone who works closely with the child will come together to conduct a detailed analysis of their difficulties and requirements. In order for this stage of the process to be successful, it is essential for the child's parents or guardians to be consulted and involved throughout.

The views of the child must also be taken into consideration, if ascertaining them is possible and appropriate. Any additional external specialists who work with the child should also be consulted for their views and opinions. In order for the subsequent program to be successful, this assessment should be revisited and reviewed regularly to ensure its appropriateness and effectiveness.

Stage 2. Plan

Assuming the school makes the decision to provide Additional SEN Support for the pupil in question, a formal notification will be issued to the child's parents. Meetings with parents will then be organised to discuss an appropriate plan of action, during which the following will be decided upon:

- Which adjustments and interventions should be put in place
- The nature and extent of the support the child will receive



- Expected outcomes in terms of developmental progress
- The desired immediate and long-term outcomes for the child
- A fixed date on which the plan will be reviewed

The details of this formalised plan should be shared with anyone who plays a role in the child's education, or supports them in any way. This is to ensure that all contributing parties are on the 'same page' and understand the role they will be playing in supporting the child.

Stage 3. Do

This is essentially the implementation stage of the process, where primary responsibility will usually be assumed by the child's teacher and the teaching assistants who work with them. Teachers and teaching assistants working with SEN pupils will therefore be responsible for observing the child and taking note of their performance and progress on a day to day basis.

Detailed information will subsequently be shared and discussed with other specialist support staff involved in the child's support plan, while at all times keeping parents at the very centre of the process at every stage.

Stage 4. Review

Additional SEN Support is only considered optimal in its effectiveness when it is seen as a cyclical and continuous process. Stage 4 should therefore always feed back into Stage 1 – regular reviews are conducted on the effectiveness of the programme, along with ongoing assessments of the SEN pupil's needs and how the support being provided can be enhanced.

Though there is no formal rule in terms of timing, the Department for Education recommends that formal reviews take place with parents a minimum of three times each year.

Further Reading: