

MY CHILD HAS A STATEMENT OF SPECIAL EDUCATIONAL NEEDS: What can I do if I think the needs should be re-assessed?

Information sheet 13

If your child has a Statement you have a right in law to request a re-assessment of your son or daughter's special educational needs (SEN) as long as it is more than six months since the last assessment or since the Statement was issued.

It would be advisable to discuss your concerns with your son or daughter's school. You might wish to do this at an Annual Review¹, when a recommendation can be made to the Local Authority (LA) as part of the Review process. You should have good grounds for feeling that a re-assessment is necessary, as you will be asked to explain the reasons for your request.

The principal reason will almost always be that the child's needs have changed significantly. For example, this could be because it is several years since the statement was first issued or because their learning difficulties have become more severe or because they have developed behavioural difficulties.

You should make your request for re-assessment to the LA in writing, addressing your letter to the Special Needs Manager. An example of the type of letter you could write is given below.

*(Your address and telephone number
Date)*

Mr Rhidian Jones, Special Needs Manager
Education Department
Town Hall
St Ives Road
Maidenhead
SL6 1RF

Dear Mr Jones

Re: *(Child's name, date of birth and school/pre school setting)*

I am writing to ask you to re-assess the educational needs of my son/daughter under the terms of the Education Act 1996 I make this request under section 328 of the Act because *(give details of your reasons for making the request for assessment)*

I understand that you will gather information about *(child's name)* special educational needs and a panel will decide whether or not those needs meet Windsor and Maidenhead's criteria for statutory assessment.

Yours sincerely

Once the LA has received your request, it has 6 weeks to decide whether or not your son or daughter's needs are complex enough to need a statutory re-assessment. If they agree then the assessment will go ahead; if they disagree they will write to you and the school explaining why. The LEA will also inform you of your right of appeal to an independent² Tribunal.

The Annual review process is considered by the LA to be an update of the Statement, as it should provide the latest information on progress, attainment and current difficulties.

The LA can also amend your son or daughter's Statement without carrying out a full re-assessment. For instance, they might change the school named on the Statement when the pupil moves from primary to secondary school, or they might add details of a new diagnosis.

Additional information

www.ipsea.org.uk

www.ace-ed.org.uk