

MY CHILD DOESN'T MEET THE LOCAL AUTHORITY (LA) CRITERIA FOR ASSESSMENT

What does this mean?

Information Sheet 9

Your child's papers have been considered by the special educational needs advisory group (SENAG) and you have just been told that the Local Authority do not intend to make statutory assessment.

This does not mean that your child does not have special educational needs (SEN) but rather that those needs are not severe or complex enough to warrant a formal assessment.

All Windsor and Maidenhead LA maintained schools (including aided and community schools) have an amount of money within their own budgets to enable them to identify, assess and provide for children in their school who have SEN.¹ This money comes into school in a variety of ways and should be sufficient to meet the educational needs of children on School Action and School Action Plus (see table below). The new funding arrangements in schools mean that provision up to the first 15 hours will be met from within school budgets. The government estimates that about 5% of a school's total budget should be available to support SEN.

The Graduated Response

Code of Practice Stage	What happens?	How is it funded?
School Action	The school's SEN co-ordinator (SENCO) ² takes lead responsibility for gathering information, for co-ordinating the SEN provision and working with the child's teachers. An individual education plan (IEP) ³ or similar should be drawn up and clear records kept.	School-based, ie funded through the school's own resources.
School Action Plus	Teachers and the SENCO are supported by specialists from outside the school. The IEP should also specify the outside help.	School-based, ie funded through the school's own resources.
Statements of Special Educational Needs	The LA considers the need for a statutory assessment, if appropriate, makes that assessment and considers the need for a statement. If appropriate, a statement is made and the special educational provision is arranged, monitored and reviewed.	LA led and funded, if required. Currently some of the money generated by the Statement is delegated to schools (ie added to the school's budget)

1 See information sheet on Funding into schools

2 See information sheet on – the Role of the SENCO

3 See information sheet on IEPs

The LA have told you in their letter why your child will not be assessed. This may be because:

- their needs are not severe or complex enough and SENAG feels that those needs could be met by the school through School Action and School Action Plus.
- there is insufficient evidence from the school about how they have been helping your son or daughter.
- certain outside professionals have not been asked by the school to give their advice on how to help your child (this might be the school's educational psychologist or a specialist advisory teacher)
- the group may have suggested strategies that the school has not yet tried.

What will happen next?

It is important that you liaise closely with your child's school. The SENCO should follow any advice given by the LA and if it is not successful or if they have additional evidence to provide, they can make a further request for statutory assessment.

What can I do?

If, after discussion with your child's school, you still disagree with the LA decision, there is action you could take:

- You have a right of appeal and you can contact the SEN Tribunal⁴ to ask them to send you their booklet with application form so that you can lodge the appeal.
- You might also wish to consider mediation⁵

NB You only have two months to get papers in to the SEN Tribunal from the date of the letter from the LA informing you of your right of appeal (ie if the letter from the LA is dated 12 April you have until the 12 June of the same year). If you miss that date you will lose the right of appeal.

It is important to remember that:

- it can take several months for an appeal to be heard by the Tribunal
- you can withdraw the appeal if you feel you no longer need to go ahead
- if your appeal is about the LA's refusal to assess, the only decision that the SEN Tribunal can make is to assess or not to assess
 - if the decision is to assess, the LA will have to carry out the statutory assessment which can take up to six months
 - if the decision is not to assess, then your child will remain on the school-based stages if appropriate
- while you are waiting for the appeal to be heard your child should continue to receive support from the school at the relevant Code of Practice stage.

- you may ask for a meeting with the LA officer dealing with your child's case to get further information about the refusal to assess. Someone from Parent Partnership can assist you with preparation for such a meeting or attend with you if you wish.
- if you have some new information about your child's SEN or you feel that his/her needs have changed, you can ask the LA again to consider whether a statutory assessment should be carried out.
- entering into mediation does not affect your right to appeal to the SEN Tribunal.

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Additional information

'Formal Meetings with Teachers' from the 'Help your children to learn' series of booklets published by Department for Education and Skills (DfES)
www.parentcentre.gov.uk at home page click on publications
Resources for parents by parents