

Statutory Assessment

The term Statutory Assessment is used to describe an assessment under the Education Act 1996. It is the way the LEA determines:

- Whether a child has substantial or complex needs to the degree that may require a statement;
- What the major needs are;
- How the needs can be met;
- Special resources, equipment or input;
- Access to buildings, curriculum etc;
- Dissapplications.

Proposal to Assess

A decision to assess may be made by the LEA. When a request is made the pupil will have demonstrated "significant cause for concern" (Code of Practice 5.62 and 6.71) and the school should provide the LEA with a record of the interventions and work with the child including the resources or special arrangements that they have already made available (Code of Practice 5.24 and 6.26). If there is insufficient evidence or it is considered that the needs of the child can be met at Early Years Action, School Action or Early Years Action Plus or School Action Plus a decision may be made not to proceed with a statutory assessment at that time.

The Code of Practice states that written evidence or information should include:

- Progress over time;
- Any action taken through School Action and School Action Plus;
- Individual Education Plans for the child.
- Records of regular reviews and outcomes;
- The child's health including medical history where relevant;
- National Curriculum levels;
- Attainments in literacy and mathematics
- Educational and other assessments, e.g. advisory teacher, educational psychologist;
- Views of the parent and the pupil;
- Involvement of other professionals;
- Any involvement by the Social Services or Educational Welfare Service.

A few children may move straight to statutory assessment where a school is aware that immediate specialist intervention is required or where a quick response is essential (Code of Practice 7.30). The LEA must notify the child's

parents, Social Services, Health Authority, and Head teacher/ SENCo of that fact. A single medical report may be appropriate in cases of sudden debilitating illness or accidents.

Request from early years settings for Statutory Assessment

An Early Years Setting can request a statutory assessment for children of pre-school age. They should provide the LEA with information:

- About the child's difficulties identified by staff, including early years SENCOs;
- Relating to strategies used through Early Years Action and/or Early Years Action Plus;
- About any advice which has been sought regarding the child's physical health, communication skills, social skills and emotional and behavioural development.

The LEA will look for submission of the same information as listed for schools which should include the views of the parents and any copies of IEPs put in place by the early years setting.

For some children with complex needs the LEA may rely on a single report from the lead professional/s involved with the child.

Request from Parents

According to the Education Act 1996 parents can request a statutory assessment, or if the child has a statement they can ask for a reassessment. In the case of children under 2 years of age the LEA must comply unless an assessment has taken place in the last six months. Or the LEA does not think it is necessary.

Following a parental request the LEA will contact them to investigate the concerns and to secure information on the current provision available. The child's school must be informed and information about the child's progress and the school's view of the child's difficulties and major needs sought.

LEA and school responsibilities when moving towards the Identification and Assessment of pupils with SEN.

Local Authority

- Carry out assessments, following the statutory process, writes Statements of SEN or Notes in Lieu;
- Provide a referral structure and appropriate protocols for the process;
- Consult with and seek advice from other professional groups and parents when considering Statutory Assessment;
- Undertake decisions based on clearly dated criteria;
- Seek advice when conducting an assessment;
- Ensure that there is a means of conciliation open to parents or carers where disputes occur;
- Manage the Special Educational Needs and Disability Discrimination Tribunal (SENDIST) process.

School

- Have a means of identifying the SEN of pupils who enter the school;
- Provide a differentiated curriculum to allow pupils with SEN to have access to teaching and tasks at an appropriate level;
- Seek advice when it is considered that the school response is not meeting the needs of the child or young person;
- Monitor the progress of children and young people with special educational needs;
- Use the agreed referral structure;
- Ensure that parents have access to a complaints procedure where there is a dispute about appropriate provision for their child;

Provide advice for Special Educational Needs and Disability Discrimination Tribunal (SENDIST) cases, and if required support the LEA by being witnesses etc. (when and if appropriate).