

Notes in Lieu of Statements

A Note in Lieu is a document that may be issued to the child's parents and school describing the child's special educational needs, explaining why the LEA does not think it necessary to make a statement and making recommendations about appropriate provision for the child. All the advice received during the assessment should be attached to the document sent to parents and with their consent should be sent to the child's school (Code of Practice 8:17). The child's special educational needs should continue to be met within resources allocated within the current funding system.

Once a child has undergone a statutory assessment the LEA must make the decision as to whether or not it would be appropriate to issue a statement. The Code of Practice says that if, after a statutory assessment has taken place, the LEA decides against issuing a Statement, it is preferable to issue a Note in Lieu. Wakefield's practice is always to issue a Note in Lieu if a statement is not appropriate.

For details of the timescales see section 8 of the SEN Code of Practice paragraphs 8:15 also the flowchart in paragraph 8:134.

The code also recommends that the LEA arrange meetings for parents with the LEA Officer and the Headteacher or SENCo to discuss the LEA's decision, the Note in Lieu and the provision to be made.

A Note in Lieu should contain as much information as a statement and so provide parents and the school with valuable guidance in supporting the child. Even though it may follow the same or similar format as a statement, parents should realise that it does not have legal status and is not binding on the school.

If after 6 months from the date of issue of a Note in Lieu the child has made little or no significant progress, or important information that was not available previously can be submitted as evidence, parents or school can ask the LEA to reconsider and re assess or move towards issuing a statement.

Parents have the right to appeal against the LEA's decision through the Special Educational Needs and Disability Tribunal.

For further details see the website: www.sendist.gov.uk. Guides on How to make a claim and How to appeal are available. The SEN help line 01325 392555 and Disability help line 020 7925 5750 will provide additional details.