



The Statutory Assessment

What is a Statutory Assessment?

A statutory assessment is where Milton Keynes Council gathers all the information to find out what special educational needs your child may have and what special help they may need.

Information is gathered from:

- You, the child's parent/carer;
- Your child's school/setting;
- An Educational Psychologist;
- A doctor (Community Paediatrician);
- Social Services
- Any other person who is already helping your child, e.g. speech therapist/social worker.

Written reports (advice) are sent back to the council which, together with your written contribution, gives a full picture of your child's strengths and weaknesses.

Why would my child need an assessment?

Most children will have their special educational needs met through help at school at School Action or School Action Plus. If, despite the extra help school has put in place, your child's progress is still causing concern, and it is felt that additional help is needed for the school to meet your child's needs; the school will ask Milton Keynes Council to carry out a Statutory Assessment. The school will speak with you before making this request.

When the school requests the assessment:

When the school request a statutory assessment, Milton Keynes Council will write to you and ask whether you agree to the assessment. They will also ask for your written views and any additional information that you may like to give, such as any private reports you may have.

You have 29 days after you have received the letter asking for your agreement, to give Milton Keynes Council your views and to consent to the assessment. If you do not agree that a statutory assessment is needed or will help your child, or if you are uncertain, you should write saying that you disagree and give your full reasons.

Can I request an assessment?

Parents/carers are also able to request a statutory assessment. It is a good idea to discuss this first with the school to consider whether every action has been taken to try to meet your child's needs from within the school's resources. If you have sufficient evidence to support your request, this should be included in your letter to the council.

Milton Keynes Council will consider your request and may ask for further views and will ask the school about your child's difficulties and what the school is doing to help.

The council will also write to the Health Authority, Social Services and Educational Psychology Service to ask if they already have any information that will help them to make a decision.

How long does Milton Keynes Council have to decide whether to assess my child?

Milton Keynes Council has six weeks, from receipt of the request, to tell you whether they will carry out a statutory assessment.

What happens next?

After considering all the information, Milton Keynes Council will decide whether or not to formally assess your child. Whether the decision is to proceed with an assessment or not, you will be sent a letter telling you of the decision.

If the council decides that the school can meet your child's special educational needs at School Action Plus of the Code of Practice, they will decide not to carry out an assessment, and will set out their reasons in their letter to you.

If the council agrees to carry out the statutory assessment, they will ask for more detailed information about your child from the professionals involved. They will write to you to inform you of the decision and will ask if you would like to send in further views, and will ask if you would like the support of an Independent Parental Supporter (IPS). You may choose someone you know, or the Parent Partnership Service can provide someone to help you. You can contact Milton Keynes Parent Partnership Service on telephone: 01908 254518.

If you or the school made the request for the statutory assessment and it has been refused, you have the right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST).

How can I be involved in the assessment?

You have an essential part to play because you know your child better than anyone else. You know what your child is like at home and you have knowledge that teachers and others do not have, which is important.

It will help your child if you say what he/she is really like. You will be asked to provide in writing your views and any further relevant information regarding your child's needs (Parental Advice). You will be sent guidelines (which will help as memory joggers). You should also state anyone you would like the council to contact, and attach any reports you already have that you would like to be considered as parental evidence.

You may find it useful to include reports from professionals that have recent knowledge of your child, such as consultants, previous school, activity clubs, playgroup, health visitors etc.

You may also have obtained reports from a private assessment by an Educational Psychologist, Speech and Language Therapist, Occupational Therapist etc. A charge is usually made for private assessments.

The council are generally more willing to accept the views of their own advisors but they must consider your representations and any evidence you want to give, including a private report.

It is important that you attend all appointments, and return your views (Parental Advice) within the 29 days specified. If you are likely to take slightly longer than 29 days to send in your views, you should let the council know in writing.

During the Statutory Assessment Process:

It is a good idea to make a file to ensure all your paperwork is kept in one place.

Always:

- Keep all letters you receive (and date when you receive them);
- Keep copies of all letters you send (and date them);
- Keep originals and only send photocopies of any reports you send;
- Write down all important dates e.g. medical appointments;
- Keep notes on any telephone and other conversations you have, note down the date, who you spoke to, their telephone extension number, what their position is and what was said;
- Remember that it is usually better to insist on replies in writing from officials. If anything important is said to you on the telephone, or in person, ask for written confirmation of it;
- When you go to a meeting about your child you may want to write a letter saying what you understood was agreed at the meeting and what was said. An Independent Parental Supporter will be able to help you with this.

You have a right to go with your child to any appointments, interviews, or assessments during the statutory assessment. Your consent to the appointment should be requested if you unable to attend.

Below are some questions you may consider asking professionals:

- What do they consider to be the nature of the child's learning difficulty?
- How might these affect learning at school?
- What help does your child need?
- How will your child receive this help?
- How can you help your child at home?

- Does your child have a medical condition that is affecting his/her learning?
- Does your child need to see another medical specialist?
- Does your child need any specialist equipment?
- Is your child developing normally?
- Are there any specialist groups you can be put in touch with?

How can my child be involved?

Children should be encouraged to express their views and wishes for their current and future education. Your child or young person can be supported to write down their views from a family member, someone at school or other trusted person.

What happens after the assessment?

When Milton Keynes Council has collected all the information required about your child, a decision will be made whether or not to write a Statement of Special Educational Need. The council will normally tell you the decision no later than 12 weeks after the decision to undertake the assessment.

What happens if the council agrees that my child needs a Statement?

You will be sent a Proposed Statement and copies of all the reports collected during the statutory assessment. These are called 'Appendices'.

A proposed statement will never have a school named in Part 4. This has to be blank by law. This is to enable you to name your preferred school when you agree to the statement being finalised.

You will be given 15 days to read through the proposed Statement and reports, and let the Milton Keynes Council know your views. If you agree with the Statement, you must fill in the form to say so. You will then be sent a signed final copy of the Statement to keep. Your child's school will also receive a copy.

What happens if Milton Keynes Council decides that my child does not need to have a Statement?

If, at the end of the assessment, Milton Keynes Council decides not to make a Statement for your child, you will be informed in writing and they will tell you the reasons why the council thinks your child does not need a Statement. You will be told about your right to appeal to SENDIST if you disagree with their decision. You may wish to write to the council to let them know you disagree with their decision and to ask for a meeting.

A Note in Lieu (NIL) will be produced and you will be sent copies of all the reports made for the assessment.

The Note in Lieu is not a legal document and is not binding on the school. You will want to discuss the Note in Lieu and attached reports with your child's school.

Can I ask for my child to be assessed again?

You can ask for another assessment 6 months after the decision not to issue a statement.

Further information on both the Proposed Statement and the Note in Lieu can be found in Milton Keynes Parent Partnership Service's *'The Proposed Statement'* and *'The Statement of Special Educational Needs and the Note in Lieu'*.

Reasons for extensions on time limits

The statutory time limits imposed on Milton Keynes Council for the various stages of assessments and Statements can only be extended under exceptional circumstances:

- If the Health Authority or (Social Services Department) has not responded within the relevant period;
- If the request to the Headteacher is made less than one week before the end of the summer term;
- If the council agrees to a parental request to extend the time limit;
- If the child fails to keep an appointment for an examination or a test within the ten-week period.
- If the child or his or her parents are absent from the area of the authority for a continuous period of four weeks during the assessment period;
- If exceptional circumstances affect the child or his or her parent during the relevant period;
- If, after receiving advice, further advice is necessary;

If you require more information or help, please go to the Parent Partnership Service website: www.mkparents.org or contact us on 01908-254518.