

AGENDA MANAGEMENT SHEET

Name of Committee Children and Young People Overview and Scrutiny Committee

Date of Committee 8 December 2010

Report Title **Statementing of Pupils**

Summary This report outlines the statutory processes which determine the statementing of pupils including timelines.

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Would the recommended decision be contrary to the Budget and Policy Framework? [please identify relevant plan/budget provision] No

Background papers Children and Young People O & S Committee
08.09.10 - Review of Permanent School Exclusions 2010

CONSULTATION ALREADY UNDERTAKEN:

Details to be specified

Other Committees

Local Member(s)

Other Elected Members CYP&F O&S Chair and Vice Chair
Cllr June Tandy
Cllr John Ross

CYP&F O&S Spokespersons
Cllr Peter Balaam *"comments incorporated into the report"*
Cllr Carolyn Robbins

- Cabinet Member For information:
Cllr Heather Timms
- Other Cabinet Members consulted
- Chief Executive
- Legal Fay Ford *"comments incorporated into the report"*
- Finance
- Other Strategic Directors
- District Councils
- Health Authority
- Police
- Other Bodies/Individuals Jane Pollard, Overview and Scrutiny Manager

FINAL DECISION

SUGGESTED NEXT STEPS:

Details to be specified

- Further consideration by this Committee
- To Council
- To Cabinet
- To an O & S Committee
- To an Area Committee
- Further Consultation

Children, Young People and Families Overview and Scrutiny Committee – 8 December 2010

Statementing of Pupils

Report of the Strategic Director for Children, Young People and Families

Recommendation:

That the Committee support the Assessment, Statementing and Review Service (ASRS) to identify key issues for action in the forthcoming Green Paper on Special Educational Needs in order to ensure that the Local Authority remain compliant and maintains delivery of outcomes currently reflected in the National Indicator Performance data (see Appendix A).

1. Introduction

- 1.1 At its last meeting on 8 September 2010 the Committee received a report entitled Review of Permanent School Exclusions 2010. Further to recommendation 18 of this report the Committee asked to receive a further report on the Statementing of Pupils.
- 1.2 This report sets out the further information requested and includes the legal requirements and what influence can be had outside of statutory requirements and also considers the length of time in different areas leading up to statementing (**Appendix A**).

2. Processes Required to 'Statement' a Pupil

- 2.1 The term 'special educational needs' has a legal definition. Children with special educational needs all have learning difficulties or disabilities that make it harder for them to learn than most children and young people of the same age. These children may need extra or different help from that given to other children of the same age.
- 2.2 Children and young people do not have learning difficulties just because their first language is not English. However, these children may still have learning difficulties that need to be addressed.
- 2.3 Children and young people with special educational needs may need extra help because of a range of needs, such as in thinking and understanding, physical

or sensory difficulties, emotional and behavioural difficulties, or difficulties with speech and language or how they relate to and behave with other people. Schools have access to Local Authority (LA) funded support services which can work with them to plan and/or deliver approaches in order to support pupil needs. In addition to specialist advice or support, funding for special educational needs at the Code of Practice 'School Action' and 'School Action Plus' is delegated to all mainstream schools through a formula directly into their base budget. The Code of Practice provides guidance for the appropriate application of these financial and specialist resources. Schools are expected to work within this framework to meet individual needs and where possible avoid the need to move forward to requesting statutory assessment. Targeted intervention in relation to an identified special educational need should be specific and time limited; it is the responsibility of the school SENCo to lead and manage the process.

- 2.4 Statutory guidance on identifying, assessing and making provision for pupils with SEN including those with behavioural, social and emotional needs is given in the Special Educational Needs Code of Practice. This document provides specific detail as to effective practice around mainstream response to Special Educational Needs (SEN) and statutory processes. Parents can request statutory assessment. It is advised that they consult with the school's SEN Co-ordinator (SENCo); schools can request statutory assessment, it is expected that they do/can evidence attempts at engaging and securing parental consent for the request.
- 2.5 Statutory Assessment is a detailed investigation to find out exactly what a child's special educational needs are and what provision is needed to meet those needs. A statutory assessment is only necessary if the school or early education setting cannot provide all the help that a child needs. Once it has been decided that a pupil has SEN, the school should take account of the guidance in the SEN Code of Practice. This includes giving parent/carer information about the local Parent Partnership Service. Parents can access independent support for any issue around pupils' additional needs from the Parent Partnership Service, currently traded externally.
- 2.6 The LA will look at the request for a statutory assessment and aims to advise parents of the outcome, normally within six weeks. This involves the LA writing to parent(s) /carer to:
- tell them that they are considering whether to carry out a statutory assessment;
 - tell them how they will carry out the statutory assessment if one is done;
 - explain the timescales (which will be no longer than six months in all);
 - give them the name of the person at the local authority who will be a point of contact;
 - ask them to give written or spoken reasons, 'evidence', about why the parent/carer thinks their child should or should not be assessed (the parent /carer has 29 days to send this in to the LA);
 - tell them about the LA's Parent Partnership Service which will be able to help with independent advice and support;

- ask them if there is anyone else the parent/carer would particularly like the LA to talk to about their child;
 - ask them for any evidence or opinions they have collected or intend to get;
 - encourage them to provide written or spoken evidence for the LA to consider (the LA or the Parent Partnership Service can help parent/carer make a written version).
- 2.7 Local authorities have six weeks to confirm with the parent/carer whether they will carry out a statutory assessment of their child. The parent/carer can challenge the LA if this process goes beyond 6 weeks.
- 2.8 The LA must write to advise parent/carer of the outcome of the request for Statutory Assessment. If the decision is not to go forward with the assessment then the LA has to explain its reasons.
- 2.9 The parent/carer can still work with the school to consider different arrangements. Support from the LA SEN officer and/or Parent Partnership is still available to support this process. The parent/carer has the right to appeal to the First-tier Tribunal (Special Educational Needs and Disability) if they disagree with the LA's decision.
- 2.10 If the LA decision is to proceed with an assessment then the LA will ask a number of professionals to give their views on the child. It will ask for advice from:
- the child's school or early education setting;
 - an educational psychologist;
 - a doctor;
 - social services (who will only give advice if the child is known to them);
 - anyone else whose advice the LA consider appropriate.
- 2.11 The parent/carer has the right to be present at any interview, medical or other test during the statutory assessment.
- 2.12 The parent/carer will also be asked for their views again – this is separate from asking them about whether they think their child should be assessed. Parent/carer can suggest any other people or organisations they consider may be helpful in the assessment of their child. The LA is obliged to ask those people for their views. Parent/carer can also send the LA any private advice and the LA should take these into account as part of the assessment.
- 2.13 Below is a summary of the timescales within which the processes described above are required to be implemented:
- | | |
|----------|--|
| 0 weeks | – request for Statutory Assessment received by LA. |
| 6 weeks | – LA makes decision about whether to proceed with Statutory Assessment (the LA is obliged to write to parent/carer to outline this stage). |
| 16 weeks | – LA undertakes Statutory Assessment to inform whether or not a Statement of SEN is appropriate; obliged to invite parent/carer |

- to contribute to collection of evidence alongside its own professionals.
- 18 weeks - LA will either issue a Proposed Statement, or where the Statutory Assessment does not indicate a Statement of Need is appropriate the LA sends a Note in Lieu outlining the rationale for this decision.
- 26 weeks – Based on parental response to the Proposed Statement the LA issues the Final Statement of SEN.

2.14 A statement of SEN is set out in six parts:

- part one gives general information about the child and a list of the advice the LA received as part of the assessment;
- part two gives the description of the child's needs following the assessment;
- part three describes all the special help to be given for the child's needs;
- part four gives the type and name of the school the child should go to and how any arrangements will be made out of school hours or off school premises;
- part five describes any non-educational needs the child may have;
- part six describes how the child will get help to meet any non-educational needs.

2.15 The parents/carers are sent a draft statement before the LA writes a final statement. It will be complete except for part four, which describes the type and name of school or education provided out of school. Part four is left blank for parent(s) to express a preference for the educational provision they want for their child.

2.16 There will be circumstances in which it is not reasonable to expect agencies to meet timescales, eg. non attendance for a medical appointment so that a further date needs to be set, but any delay should be clearly communicated and kept to a minimum. Statutory regulations clearly state the expectations to the time limits.

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24 November 2010

Appendix A

Assessment, Statementing, Review Service

Quarterly Timescale Report: Period 1st July – 30th September, 2010.

National Indicator 43: Referral Received to Proposed Issued (18 week / 126 day deadline)

Excluding Cases with Exceptions (NI43A)

Cases completed within 126 days or less (x)= 114

All Cases (y) 114

Formula: $x \div y \times 100 = \%$

Result = 100%

All Cases with or without Exceptions (National Indicator 43B)

Cases completed within 126 days or less (x)= 114

All Cases (y) 118

Formula: $x \div y \times 100 = \%$

Result = 97%

National Indicator 103: Referral Received to Final Issued (26 week / 182 day deadline)

Excluding Cases with Exceptions (NI103A)

Cases completed within 182 days or less (x)= 108

All Cases (y) 108

Formula: $x \div y \times 100 = \%$

Result = 100%

All Cases i.e. with or without Exceptions (NI103B)

Cases completed within 182 days or less (x)= 108

All Cases (y) 118

Formula: $x \div y \times 100 = \%$

Result = 92%