

Guide to the Statementing Process Fact sheet

This fact sheet aims to give a basic overview of the Statementing process and should be used as a guide only. The Assessment and Statementing process is complex and phone numbers of organisations that offer specialist help and advice are given at the end of this fact sheet.

What is a Statement?

A statement is a legal document issued by the Local Education Authority, which sets out the learning and educational needs of an individual child and specifies who will provide what, where and when and how.

Who can have a Statement?

Statements are usually issued to children who find it significantly harder to learn than other children of the same age, through medical conditions, reading, behavioural and communication difficulties or a disability and the school is unable to meet the needs of the child through its own resources.

Statements can be issued to children from nursery age.

How does my child get a Statement?

Parents / Carers and / or a school can apply to their Local Education Authority for a Statutory Assessment for a statement under Section 323 of the 1996 Education Act.

Parents should inform the school that they are requesting an assessment and ask that the school also put in a request. If the school does not think the child needs a statutory assessment, the parent has the right to ask for one themselves under section 329 of the Act.

Parents should state their reasons for requesting a statutory assessment in their letter to the LEA. The school should inform the parent(s) if they are requesting a statement.

How long will it take?

There is a legal time limit of 26 weeks for the Statutory Assessment and issue of the final Statement, though there are exceptions to this. The 26 weeks begins when the Local Education Authority receive the request for assessment.

What happens next?

The LEA has 6 weeks to decide whether an assessment is necessary. They will look at what help the child is receiving at present and what progress has been made.

Parents should be contacted and given full details of the assessment process and be given the opportunity to submit their own report and request that the LEA contact other professionals about the child.

If the parent wants an independent parental supporter, the local Parent Partnership must do its best to provide one. Parents should also be given the name of the LEA Officer dealing with the request.

Submitting a report

Parents can submit a report or the LEA may send out a form covering similar areas.

These are some of the points to consider for the report:

The child's early years – development and milestones, were any difficulties apparent then? Did they receive any help?

The child now – are there any difficulties or problems with general health, do they have regular medication, are there sleeping or eating difficulties? Physical development – are there any difficulties with walking, running, using cutlery? Are there concerns with their use of language / speech / understanding – what are they? Is the child developing independence skills – washing, toileting, and dressing – what are their difficulties?

Does your child play with toys, with siblings / other children? Do they relate to family members? Are there behavioural difficulties – what are they?

The child at school – What are the child's strengths and difficulties at school? Are they making progress? What help has the child had at school? Has this helped?

General – What do you think the child needs? Have things got worse? How does the child compare to others of a similar age? What your concerns are.

The Child – Is the child aware of their difficulties? What help would they like? How do they feel about their difficulties?

The report should be submitted to the LEA within 29 days, along with any other reports the parents may have and the names of any professionals the parents would like the LEA to contact.

The LEA decide not to assess

The LEA must inform the parent within 6 weeks of the request to let them know if they are going to assess the child for a Statement. If the decision is made not to access, the LEA must tell the parents why and what help they think the child should be getting.

Appealing against the decision not to access

Parents can appeal to the Special Educational Needs and Disability Tribunal (SENDIST) against the decision. If the SENDIST agrees with the parents, they can order the LEA to assess the child. This process can take a number of months.

The LEA decide to assess

The LEA will let the parents know in writing and ask parents for their views. The LEA will contact professionals (known as advisers) to provide reports or assessments on the child. The report sent by the parents to the LEA at the beginning of the process will be sent out to the advisers. The assessments should not take more than 10 weeks.

At the end of the 10 weeks the LEA will decide if the child needs a statement or if the child's needs can be met within the school.

No Statement is issued

The LEA must tell the parents within 2 week that they are not going to issue a statement and why. A note in lieu of statement may be issued, this document describes the child's difficulties and what help the child needs.

Appealing against the decision

Parents can appeal to the SENDIST.

A Statement is issued

The LEA must send a proposed statement to the parents within 2 weeks of deciding to issue the statement. All reports (advice) from advisers will be sent with the report. No school is named on the statement at this point.

Naming the School

The parent will give the LEA the name of the school they would prefer the child to attend. The LEA does not have to agree to the named school.

Happy with the Statement and School?

Once the statement is complete it will be signed by the LEA and take immediate effect.

Further information and advice on educational issues can be obtained from the following organisations:

Advisory Centre for Education (ACE)

Unit 1c Aberdeen Studios
2 Highbury Grove
London N5 2DQ
Advice Line Tel: 0808 800 5793
(Monday to Friday 2pm-5pm)
Exclusion Line Tel: 020 7704 9822

Children's Legal Centre

University of Essex
Wivenhoe Park
Colchester
Essex CO4 3SQ
Advice Line Tel: 01206 873 820
(10am-12.30pm and 2pm-4.30pm
Monday to Friday)

Children's Rights Alliance for England

319 City Road
London EC1V 1LI
Tel: 020 7278 8222

Centre for Studies on Inclusive Education

Room 2S 203
S Block
Frenchay Campus
Coldharbour Lane
Bristol BS16 1QE
Tel: 0117 344 4007

Independent Panel of Special Educational Advisors (IPSEA)

6 Carlow Mews
Woodbridge
Suffolk IP12 1DH
Help line Tel: 0808 018 4016
Or 01394 382814
Tribunal Appeal Advice Line
Tel: 020 8682 0442

National Association of Special Educational Needs (NASEN)

NASEN House
4/5 Amber Business Village
Amber Close
Amington
Tamworth
Staffordshire B77 4RP
Tel: 01827 311500

Parents for Inclusion

Unit 2
70 South Lambeth Road
London SW8 1RL
Advice Line Tel: 020 7582 5008
(10am-2pm and 1pm-3pm Tuesday-Thursday)

Islington Education Legal Advice

Tel: 020 7697 1489 (Monday and Tuesday 10am-12 noon)
For people who live work or study in Islington

Rathbone CI

Head Office
4th Floor Churchgate House
56 Oxford Street
Manchester M1 6EU
Advice Line Tel: 0800 917 6790
(10am-4pm Monday to Friday)

Network 81

1-7 Woodfield Terrace
Stanstead
Essex CM24 8AJ
Help line Tel: 0870 770 3306 (10am-2pm Monday –Friday)

Elfrida Rathbone (Camden)

SEN Advice Services
7 Downey Close
London NW5 2VP
Tel: 020 7424 1612 / 1613 / 1614

autism london

First Floor 602 Chigwell Road, Woodford Bridge, IG8 8AA

HelpLine :- 0845 6037954

Fax :- 020 8504 5205

www.autismlondon.org.uk

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