

INFORMATION SHEET



making a difference
to the lives of people with
severe learning disabilities

For families: Getting a Statement (Wales and Northern Ireland)

Important Information:

- This information sheet was published in **February 2015** and the information in it was accurate at that time
- **Please note that in Wales and Northern Ireland** the education system is currently being reviewed and so the information on this sheet may **change in 2015/2016**. For the most up-to-date information about what's happening in these areas, please contact:
 - SNAP Cymru (Wales)
Helpline 0845 1203730 / Website: www.snapcymru.org
 - Special Educational Needs Advice Centre (SENAC) (Northern Ireland) Tel: 028 9079 5779 / Website: www.senac.co.uk
- **For family carers living in England**, the education system has changed and from September 2014 new statements are no longer being issued. However, some children and young people who already have statements may not be transferred to the new system until 2018. Please refer to our information sheet: '[Getting an Education, Health and Care Plan](#)' for more information. Alternatively, please contact the Independent Panel for Special Education Advice (IPSEA) Helpline: 0800 018 4016 / Website: www.ipsea.org.uk for further information.
- **For family carers living in Scotland**, the education system has changed and statements are no longer being issued. Please contact the charity *Enquire* for information on the current Scottish system: Website: www.enquire.org.uk / Helpline: 0845 123 2303.

When should I ask for a statement?

If your child needs help at school - beyond what their teachers can reasonably provide - a statement of special needs (or, a 'statement') may be required. All children who have severe learning disabilities are likely to need one. However, if you would like to ask advice on whether your child requires a statement you can speak to a professional involved with your child. Depending on your child's age, this could be your health visitor, your child's nursery or school, or your child's SENCO (Special Educational Needs Coordinator). To receive a statement, your child will need to have a Statutory Assessment.

Statements for children under the age of 2

A healthcare professional can refer children under the age of 2 for a Statutory Assessment. While statements for children under 2 are rare, they are sometimes issued because a child has complex needs, or because a particular service is required such as home-based teaching.

What is a Statutory Assessment?

A Statutory Assessment is a process where a number of professionals look at your child's special educational needs and what support is required to meet those needs.

All our information sheets are available to download free of charge because we believe that money should not be a barrier to getting the information you need, when you need it.

The CBF relies on the support of our friends and colleagues to continue to provide free resources to families.

Please see below for details of how to support us.

Who can request a Statutory Assessment?

A Statutory Assessment can be requested by you, your child's school or other agencies such as health and social services. It can also be requested before a child reaches compulsory school age. However, if you are able to, it is good for you to make this request yourself. This is so you can be sure that the request has been made, and you will know exactly when the request has been made. This is because there are a number of important deadlines you will need to be aware of. Although, if your child's school is willing, you could ask them to write a letter which supports your parental request.

How do I ask for a Statutory Assessment?

If you live in Northern Ireland:

You will need to ask your **Education & Library Board (ELB)** for a Statutory Assessment of your child's Special Educational Needs. You should write to the **Education Officer (Special Education) at the Education and Library Board Headquarters** in whose area you live. Always make your request in writing and include as much information as possible about your child's special educational needs and the help they are already getting. You should also include any professional reports you have about your child. Keep a copy of the letter and make a note of when it was sent.

If you live in Wales:

Put your request in writing to the **Education Department of your Local Authority** and include as much information as you can about your child's special educational needs and what help the school has given. You can also include any professional reports you have about your child. You should keep a copy of the request letter and make a note of the date it was sent. Please note that in some areas of Wales, Special Educational Needs (SEN) are referred to as Additional Learning Needs (ALN).

What happens next?

If you live in Wales:

Deadline	Action
ASAP	<p>The Local Authority (LA) must write to you to let you know they have received your request</p> <ul style="list-style-type: none"> The LA will give you details of a named officer at the LA who you can contact for more advice and details of your local Information, Advice and Support (IAS) Services (see below). They must also give you the opportunity to submit evidence to support your request. This evidence can be in Welsh or in English. It might be paperwork that describes your child's needs, or official documents such as a diagnosis or report. They must also give you a deadline by which you should submit the evidence you want them to consider. The deadline should not be less than 29 days.
6 weeks	The LA must write to you and tell you whether or not they will be assessing your child for a statement within 6 weeks of you making the request.
10 weeks	<p>Once the LA has agreed that a statutory assessment is needed they then have 10 weeks to carry out the assessment and decide whether or not to produce a statement</p> <ul style="list-style-type: none"> If the LA decide that your child does need a statement, they must produce a draft of it If the LA decides that your child does not need a statement, they must produce a Note in Lieu that explains their decision
2 weeks	<p>Once the LA has carried out the statutory assessment, the LA has 2 weeks to draft the proposed statement or Note in Lieu</p> <p>If you receive a draft statement...</p> <ul style="list-style-type: none"> You should also receive a list of all maintained primary or secondary schools, and a list of non-maintained special schools and approved independent schools. All reports and evidence gathered for the statutory assessment must be included with the proposed statement, usually attached to the back as appendices. You will have 15 days after you have received the proposed statement to comment on it and to request a particular school. You can also request a meeting with the LA to discuss the proposed statement <p>If you receive a Note in Lieu...</p> <ul style="list-style-type: none"> This should be used by your child's school to help them provide the right support for your child. You can appeal to the Special Needs Tribunal for Wales (SENTW) if you are unhappy with the decision to not issue a statement (see below for details of how to do this).
8 weeks	The proposed statement is finalised
Total =	26 weeks

If you live in Northern Ireland:

Timeframe	Action
ASAP	<p>The ELB must contact you to let you know they have received your request</p> <ul style="list-style-type: none"> The ELB will give you details of a Named Board Officer who will be your contact point throughout the process and details of the assessment process. They should also provide information about any other relevant sources of independent advice, such as local or national voluntary organisations or appropriate local support groups. They must also give you the opportunity to submit evidence to support your request. They must also give you a deadline by which you should submit the evidence you want them to consider. The deadline should not be less than 29 days.
6 weeks	<p>The ELB must write to you and tell you whether or not they will be assessing your child for a statement within 6 weeks of you making the request. If they decide a statutory assessment is not needed you will be advised of your right to appeal.</p>
10 weeks (aprox)	<p>The ELB then carries out the assessment and decides whether or not to produce a statement</p> <ul style="list-style-type: none"> If the ELB decide that your child does need a statement, they must produce a draft of it If the ELB decides that your child does not need a statement, they may produce a Note in Lieu that explains their decision
2 weeks (aprox)	<p>If the ELB carries out the statutory assessment, the ELB will draft the proposed statement or Note in Lieu</p> <p>If you receive a draft statement...</p> <ul style="list-style-type: none"> You should also receive a list of all maintained primary or secondary schools, and a list of non-maintained special schools and approved independent schools. All reports and evidence gathered for the statutory assessment must be included with the proposed statement, usually attached to the back as appendices. You will have 15 days after you have received the proposed statement to comment on it and to request a particular school. You can also request a meeting with the ELB to discuss the proposed statement <p>If you receive a Note in Lieu...</p> <ul style="list-style-type: none"> This should be used by your child's school to help them provide the right support for your child. You can appeal to the Tribunal if you are unhappy with the decision to not issue a Statement (see below for details of how to do this).
8 weeks (aprox)	<p>The proposed statement is finalised</p>
Total = 26 weeks	<p>Apart from the six week decision whether or not to statutory assess the remainder of the 26 week timeline can be subject to change and therefore the process may take longer.</p>

Who can help me with this process?

If you live in Wales:

Your Named Local Education Authority (LEA) Officer

The LEA will advise you of the name of its officer who will liaise with you over all the arrangements relating to the statutory assessment and the making of the statement, and this person is known as the “Named LEA Officer”. It is important to try to encourage and maintain a good relationship with this person and to avoid personal conflicts with individual officers if possible.

Information, Advice and Support (IAS) Services

All Local Education Authorities (LEA) in Wales must provide an IAS Service. Your local IAS Service should provide independent information, advice and support to children and young people with disabilities, and their parents in relation to their special educational needs. This is so you can make appropriate informed decisions. They should provide:

- Information, advice and support on subjects including local policy and practice, the Local Offer, personalisation, Personal Budgets, the law on SEN and disability, health and social care.
- A telephone helpline.
- Individual casework, representation and support in preparing for and attending meetings.
- Help in filling in forms and writing letters/reports.
- Support on exclusions
- Support in resolving disagreements, including mediation and tribunals.
- Signposting to local or national sources of advice, information and support.
- Links to local parent support groups and forums.

Although not totally independent of the LEA (as they are partly, if not fully, funded by them) they can provide some impartial and objective information to help parents and carers to make informed decisions. It is hoped that IAS Services will help to prevent difficulties between parents and authorities developing into disagreements. However, should disagreements arise, LEA’s must provide disagreement resolution services. To find your local IAS Service visit: www.iassnetwork.org.uk or phone: 0207 843 1900

An Independent Parental Supporter

The LEA should also tell you about the role of the “Independent Parental Supporter” which is completely separate to the role of the Named LEA Officer and can be nominated by parents. The Independent Parental Supporter is described in the code of practice as: “someone who can support parents for example by attending meetings, encouraging parental participation, and helping the parent understand the SEN framework”. Independent means someone independent of the decision making process that determines the type and level of support for a child with special educational needs. Independent Parental Supporters will often be someone from a voluntary organisation, an IAS Service, another parent or friend.

If you live in Northern Ireland:

Your Named Board Officer

The ELB will provide you with a Named Board Officer that can guide you through the process of your child's statutory assessment. It is important to try to encourage and maintain a good relationship with this person and to avoid personal conflicts with individual officers if possible.

Special Educational Needs Advice Centre (SENAC)

This organisation offers free, independent advice, information and advocacy for parents of children with special educational needs in Northern Ireland. Confidential Telephone Advice Line: 028 9079 5779

Other sources of support

Your ELB. should provide you with information about any other relevant sources of independent advice, such as local or national voluntary organisations or appropriate local support groups. You are also entitled to bring a friend, relative, neighbour or someone from a parent support group to any of the meetings you have with the ELB., however, you must inform the Board in advance if you intend to do so.

What if I'm not happy with any decisions made about the support my child receives?

If you live in Wales:

If you are not happy with this decision you can appeal to the **Special Needs Tribunal for Wales (SENTW)**. SENTW was set up by the Welsh Government as an independent panel, to look at certain decisions LA's make which parents are not happy about. You can access this service through your LEA or through SNAP Cymru (website: www.snapcymru.org, tel: 0845 120 3730).

If you live in Northern Ireland:

If you are not happy with this decision, you can appeal to the **Special Educational Needs and Disability Tribunal (SENDIST)**. Your ELB should provide you with information on how to do this when they informed you of the decision they have made. You can also contact the **Dispute and Resolution Service (DARS)** for your area. DARS is an independent, confidential, voluntary and informal service that helps resolve disagreements between ELBs and parents. Each ELB has a different DARS and your local ELB should be able to provide you with details of how to contact them.

What should be included in my child's statement?

If your child has severe learning disabilities and can display behaviours that are challenging to others, it is important to make sure that the challenging behaviour is included on your child's statement. This should include a description of what those challenging behaviours are, how frequently they happen, what might trigger the behaviours and what support your child needs to behave in less challenging ways. The LEA/ELB is then legally responsible for monitoring your child's behaviour and supporting behaviour change.

A statement is made up of 6 parts. **Below are some suggestions of what should be included in a statement:**

- **Part 1: Personal details-** This section is a standard introduction that provides details about the child and contact details of those with parental responsibility
- **Part 2: Special Educational Needs-** This section should include as much information as possible about the child's abilities, learning difficulties and disabilities. .

In this section, under the heading "Social/ Behavioural/ Emotional" the statement should include detailed information about the challenging behaviour your child can display, how frequently the behaviours happen and list the forms it can take (e.g. self-injury, aggression, destruction, disruption, stereotyped behaviour etc.).

- **Part 3: Special Educational Provision-** Set out the objectives of the special educational provision, clearly and specifically e.g. "to reduce self-injurious behaviour", for every type of challenging behaviour displayed.

If your child requires constant supervision for his/her own safety, or the safety of others, insist that this is included on his statement. The LEA/ELB then has a legal responsibility to ensure that the 'constant supervision' provision which is outlined in the statement is provided. LEAs/ELBs are of course aware of this and the financial implications so may be reluctant to include it. Describe the behaviour and its implications clearly and provide supporting evidence, such as endorsements from his/her current school, lists of incidents, hospital visits, etc.

NB: The information in this section forms the "shopping list" of the support the child needs to make progress towards their educational goals. It outlines the establishment, staff and resources the child needs. The appendices will inform this section so it is essential that these are accurate. The appendices should be written by professionals who understand the challenges involved for the child and how to minimise these challenges. The child also needs to be involved as much as possible where appropriate.

- **Part 4: Placement-** If your child requires 52 week provision in a school for children with severe learning disabilities whose behaviour is described as challenging, ensure that this is stated clearly. Most LEAs will use the term "residential school" which can encompass a huge range of schools. Always state your child's needs clearly and precisely so that there can be no confusion or difference in interpretation.

- **Parts 5 & 6: Non-Educational Needs and Provision-** You should be aware that speech and language therapy may be regarded as either educational or non-educational provision. Prime responsibility lies with the NHS, however, if speech and language is identified as an educational need in Part 3. then the ultimate responsibility lies with the LEA/ELBs

Good vs. Poor statement

Good Example of a Statement	Poor Example of a Statement
<p>Part 2: Special Educational Needs</p> <p><i>Challenging Behaviour</i></p> <p>Tarjinder displays self-injurious behaviour and aggressive behaviour towards others. The unpredictable and harmful nature of these behaviours means that he requires a high level of supervision throughout his daily life.</p> <p>The pervasive and intensive levels of self-stimulatory behaviours presents an enormous challenge to learning as Tarjinder will engage in these throughout the day. They limit his access to the curriculum in both 1:1 and small group teaching.</p>	<p>Part 2: Special Educational Needs</p> <p><i>Challenging Behaviour</i></p> <p>Due to Tarjinder's challenging behaviour he has to be watched in the day.</p> <p>As Tarjinder challenges it's hard for him to learn and limits his access to the curriculum.</p>
<p>Part 2: Special Educational Needs</p> <p><i>Communication/social interaction</i></p> <p>Tarjinder has limited and significantly delayed receptive and expressive language. He can communicate using a communication book, speech, sign (Makaton) or gestures (e.g. nodding head). He can make most of his immediate needs known through these strategies. There remain frequent instances when his deficit in communication leads to his own emotional distress and instances of challenging behaviour.</p>	<p>Part 2: Special Educational Needs</p> <p><i>Communication/social interaction</i></p> <p>Tarjinder has limited language. He can communicate by using other strategies. He can display challenging behaviour.</p>
<p>Part 3: Special Educational Provision</p> <p><i>This provision is to be made by the LEA.</i></p> <p>To provide a placement for Tarjinder in a school that does cater for children who are Autistic and who have significant difficulties in language and learning and where staff have training in the application and principles of Applied Behaviour Analysis (ABA), to target objectives specified in 3A.</p>	<p>Part 3: Special Educational Provision</p> <p><i>This provision is to be made by the LEA.</i></p> <p>To provide a placement for Tarjinder in a local school.</p>

What happens after my child gets a statement?

If your child's statement no longer accurately represents your child's special educational needs, you can request (in writing) that your LEA/ELB undertakes a re- assessment for a new statement (providing that a statement has not been issued within the previous six months).

The Local Authority/Education & Library Board must check your child's progress at least once a year after a statement is made. This Annual Review includes a meeting with parents. If necessary, changes will be made to your child's statement after the Annual Review.

Where can I get more information about statements?

- Special Educational Needs Advice Centre (SENAC) (Northern Ireland): Tel 028 9079 5779 / Website: www.senac.co.uk
- SNAP Cymru (Wales): Helpline 0845 120 3730 / Helpline from mobile 0345 120 3730 / Email enquiries@snapcymru.org / Website: www.snapcymru.org
- Local Parent Partnership Service (Wales only): visit www.parentpartnership.org.uk or phone 020 7843 6058.

Points to remember

- The statement is a legal document. It must set out clearly your child's special educational needs, how they will be met and monitored, and must name the school or other provision where those needs can be met.
- Talk to other parents and organisations involved with children with special needs - many can provide valuable advice and guidance.
- Before the final statement (or final amendment to a statement) is produced, you will be sent a draft for your comments. Read this very carefully and check that it includes everything. If you feel that there is anything important missing, inform your LEA/ELB in writing within the timescale allowed.
- Finally, remember that resources are scarce and LEAs/ELBs must be careful in allocating them.

The Challenging Behaviour Foundation

We are the charity for people with severe learning disabilities who display challenging behaviour. We make a difference to the lives of children and adults across the UK by:

- Providing information about challenging behaviour
- Organising peer support for family carers and professionals
- Giving information and support by phone or email
- Running workshops which reduce challenging behaviour

To access our information and support, call 01634 838739, email info@theCBF.org.uk, or visit our website: www.challengingbehaviour.org.uk

If you have found this information useful, please consider making a donation.

You can show your support at www.challengingbehaviour.org.uk

Make a £5 donation by texting CBF05£5 to 70070

Or email us to get involved at support_us@theCBF.org.uk

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