



INFORMATION SHEET

Age Group: **Children**

Sheet Title: **Statementing of Educational Needs**

Your child is entitled to certain educational, health and benefits rights by law.

The Education Act of 1981 says that “children who find learning more difficult than the majority of children their age” have special educational needs. This includes children with mental, physical or behavioural problems.

Wherever possible, these children “should have their needs met within mainstream school, with additional help and support provided”.

In Northern Ireland and Scotland there are similar provisions made.

In practice, the needs are met through a **statement of special educational needs (SEN)**. Under the code of practice for special educational needs, your child should go through the following process at school:

Pre-SEN teacher concerns

At this stage the teacher will monitor your child closely and draw up a range of strategies to help you child.

The teacher may decide to draw up an **individual education plan (IEP)** with targets for your child to achieve and a review date.

School Action

If your child's progress is still inadequate, the teacher will seek advice from the school's **special educational needs coordinator (SENCO)** to arrange additional support for your child.



The SENCO and the teacher will decide on action – usually the teacher draws up and delivers the IEP, while the SENCO monitors your child's progress by arranging further assessments and reviews.

School Action Plus

The SENCO asks for specialist advice from external support services, e.g. from an educational psychologist, and discusses possible statementing with the parents and head teacher.

Request for a statutory statement

The **local education authority** (LEA) looks at the statement request. This will be the **ELB** in Northern Ireland and **local authority education services** in Scotland.

It decides whether to issue a statement, then writes one if needed.

The Statementing Process

You have the right to ask the LEA to assess your child for a statement of special educational needs. The LEA must say within six weeks whether or not it will make such an assessment.

You'll need to fill in a form - give lots of examples to the questions and send in any reports you have. You can ask for a named person to help you. Most LEAs have a 'Parent Partnership' team, and your school can put you in touch with them.

If the LEA decides to assess your child, it will ask for reports from:

- your child's school
- the health authority
- an educational psychologist
- social services
- any other therapists/agencies involved with your child.

This takes up to 10 weeks.



If the LEA decides your child needs a statement, within two weeks they will send you a draft statement summarising:

- your child's educational needs.
- what sort of help is needed.
- how the help will be provided. This should be quantified, e.g. in terms of hours.

If the LEA decides not to issue a statement, it has to tell you why in writing and you can appeal. The code of practice says an LEA must give parents this draft statement within 12 weeks – i.e. within 18 weeks of parents first asking for an assessment.

You have 15 days to look at this draft statement and respond. You can add things, but you need to support it with evidence from the assessments. Within eight weeks the statement should be finalised, and is reviewed annually.

It's a good idea to keep copies of all correspondence and to follow up meetings and phone calls in writing to confirm any points agreed.

Benefits

1. Disability living allowance

You can claim this if your child needs more help or looking after than other children of the same age, because of illness or disability. It's for your child, not you, so it doesn't matter if you're working or claiming benefit.

There are three levels of allowance: lower, middle and higher. The allowance is split into two parts.

- **Mobility allowance:** if your child needs extra help getting around, e.g. crossing the road.
- **Care allowance:** what you need to do for your child and how much supervision is needed.

2. Carers' allowance

This is paid to full-time carers who spend at least 35 hours a week looking after someone who has been awarded the disability living allowance at the middle or higher rate for care.



This allowance may affect any other benefits you receive, and there is a limit to how much you can earn.

How to Claim Benefits

Claim forms are available from your local benefits office.

You can get the forms online at the following addresses.

Disability living allowance:

http://www.dwp.gov.uk/advisers/claimforms/dla1a_child_print.pdf

Carers' allowance:

http://www.dwp.gov.uk/lifeevent/benefits/carers_allowance.asp.

Process timetable

The code allows 26 weeks for the statementing process.

- LEA to consider request: **6 weeks**
- Assessment and decision on statement: **10 weeks**
- Drafting the proposed statement: **2 weeks**
- Finalising of statement: **8 weeks.**