

Education and the Statementing Process



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Everyone learns differently and the time this takes can vary between individuals, however, in some cases additional assistance may be necessary. Specific help can be provided to children who have been identified as having special educational needs. An issue can be raised by a parent or the school if they have any concerns about the child's development. It is then a case of establishing what needs the child has, and how these can be addressed and monitored.

Children with Special Educational Needs (SEN)

There are specific guidelines in existence regarding the provision of extra help for children in school or nursery and this includes playgroups, private nurseries and pre-school placements.

The Special Educational Needs Code of Practice is guidance set by the Department of Education and followed by schools and the Education Authority NI (EANI). The latter are currently finalising a new Code of Practice which will replace the 1998 Code. This Code of Practice includes the following points, children with Special Educational Needs should be helped whatever their age including:

- under the age of two
- between the age of two and compulsory school age
- registered school pupils up to the age of 19.

All schools and nurseries must have:

- A SEN policy explaining what they do to help children with Special Educational Needs.
- A SEN Register listing the children who require Special Educational Provision.

- A Medical Register listing the children with medical diagnoses but who do not require Special Education Provision.
- Children with a medical diagnosis who have associated special educational needs should be recorded in both the SEN and Medical Registers.
- A person responsible for co-ordinating this work known as a Learning Support Coordinator (LSC) or Special Educational Needs Coordinator (SENCo).

The Department of Education controls schools in Northern Ireland and it is their responsibility to ensure that the appropriate arrangements are put in place in schools for children who require assistance. However, it will be the school itself that will carry this out.

If it has been identified that a child has special educational needs and may benefit from extra support in the classroom, they should be recorded on the school's SEN register. For further information on the legal definition of SEN, please see (Article 3 of the Education (Northern Ireland) Order

1996, the definition has not been changed by the SEND Act, 2016). In summary it states: A child has special educational needs if the child has a learning difficulty which calls for special educational provision to be made for them. A learning difficulty is defined as having significantly greater difficulty in learning as the majority of children of the same age or has a disability which prevents or hinders the child from making use of educational facilities provided for children of the same age in ordinary schools.

Stages of the Code of Practice

Stage 1

- (a) The class teacher collects and records information about the child, consulting other teachers, and then assesses the child's special educational needs.
- (b) The teacher then puts in place agreed strategies to help the child. For example, a different study environment, variety of class work and time spent, approach to teaching, and specific timetables or schedules.
- (c) After the monitoring and reviewing process, the class teacher may decide that the child needs no further help and support, or they may decide to move the child to Stage 2, the next stage of the process. A partnership approach should be implemented with parents, keeping them informed of what extra help the child is getting and when this will be reviewed.

Stage 2

This is initiated when it is decided that the child will benefit from a more intensive approach. The LSC/SENCo is responsible for managing this process which involves reviewing the information already collated, assessing the child's difficulties and contacting any other professionals involved such as their GP and Health Trust.

Information gathering can include class records, test results, observation of the child's behavior, your views as a parent on the child's health, performance/progress at school and behaviour at school and in the home. The voice of the child is central to the process and they may also be asked relevant questions. At this point the LSC/SENCo will complete an Individual Education Plan (IEP), this may also be referred to in the proposed new legislation as a Personal Learning Plan (PLP). This should set out:

- What the child's difficulties are – reasons for the IEP/PLP.
- The assistance the child will receive, for example members of staff involved, strategies provided and details of the support programme such as specific materials, equipment, activities and environment.
- Details on any pastoral care in place.
- Targets for progress.
- Monitoring and reviewing arrangements and dates on which this will be carried out.

The purpose of an IEP/PLP is to clarify what the school will do to support the child.

Stage 3

The LSC/SENCo at the school sets a review meeting. It is at this meeting that the child's progress and effectiveness of the IEP/PLP is discussed. If the child is meeting the targets in their IEP/PLP then they may remain at Stage 3 or return to Stage 2 or 1. If the child is not meeting their targets in the IEP/PLP then they can remain at Stage 3 or the principal can request a statutory assessment.

Stage 4

This stage will involve the EA's decision on whether it is necessary to begin a statutory assessment of your child's needs.

This information gathering stage is vital in determining if your child's needs can be met within the school however, this assessment will not always lead to the EA providing a statement.

As a parent you have an important role to play at each of these stages, given you have insight, knowledge and a wealth of experience of your child's needs. You can share this with school ensuring your child receives the correct support.

Referral at Stage 4 can be made by the parent or the school. Schools should provide the EA with the following information:

- The parent/carers views, assessment, actions and support given to date
- Written IEPs sometimes now referred to as PLPs at Stage 2/3 and outcomes
- Reviews of IEPs/PLPs
- Any involvement of specialists.

Parents should note that when the EA has looked at all the information, they will inform you as to whether they are going to carry out a statutory assessment. Following the assessment and the evidence and information received, the EA will notify you of their decision as to whether a Statement of SEN will or will not be made and state it's reasons.



The Department of Education is finalising a new Code of Practice that will replace the current one. Since 2021, schools have been recording children on the SEN register under the new 3 Stages.

Current Code of Practice	Changes - leading to a new Code of Practice
<p>Stage 1</p> <ul style="list-style-type: none"> Difficulties identified by teacher and adjustments made 	<p>Stage 1</p> <ul style="list-style-type: none"> Pupils who are recorded as Stage One will be receiving school delivered special educational provision.
<p>Stage 2</p> <ul style="list-style-type: none"> Individual Education Plan (IEP) and SENCo involved 	
<p>Stage 3</p> <ul style="list-style-type: none"> Specialist services including behavioural and literacy support (school based strategies). 	<p>Stage 2</p> <ul style="list-style-type: none"> Pupils who are recorded as the new Stage Two will be receiving school delivered special educational provision plus external provision, e.g., from one of the EA Pupil Support Services or from a service within the Health and Social Care Trust. Pupils who are going through the statutory assessment will be recorded at Stage Two also.
<p>Stage 4</p> <ul style="list-style-type: none"> Statutory assessment of child's educational needs. Parents may request a statutory assessment. 	
<p>Stage 5</p> <ul style="list-style-type: none"> Statement of Special Educational Needs is issued and maintained. *Parents have appeal rights if the Statutory Assessment is refused, or they disagree with the provision in the final statement. 	<p>Stage 3</p> <ul style="list-style-type: none"> Pupils who are recorded at Stage Three will have a statement of Special Educational Needs and be receiving school and EA delivered special educational provision as detailed in their statement.

Under the new legislation, children with medical diagnoses, but who do not require special educational provision, will be recorded on the **Medical register only.*

Children with medical diagnoses who have associated special educational needs and require SEN provision should be recorded on both the **SEN and Medical registers.*

Stage 5

What is a Statement of Special Educational Needs?

- It is a written statement of assessment of the child's needs to allow them access to an education. This can be both educational and non-educational, for example, transport.
- The purpose of a statement is to ensure that the children who have a learning difficulty/disability have equal access to the education that children without such difficulties do.
- A Statement of Special Educational Needs is a legal document. It sets out the support that the EA and parents feel is appropriate to support and help a child within their school.

Establishing a need for a Statement

If you or the educational setting attended by the child feel that the presence of a disability, learning difficulty or the learning environment is hindering the child's development, under current legislation it may be appropriate to have a Statement of Special Educational Needs in place if the EA agree following a Statutory Assessment.



How to apply for a Statement of Special Educational Needs

It is helpful to have a good line of communication established with the school prior to submitting a request for a statutory assessment to begin the process of getting a Statement in place. If you as a parent rather than a school have identified concerns regarding your child's development, it is beneficial to raise these with your child's teacher and/or the SENCo. They may already be monitoring the situation and it is useful to have their observations and cooperation when you apply for a statement.

If you feel that your child's needs are not being met within the resources of the educational setting and they are not making sufficient progress with the support already in place, you may wish to consider a parental request for a statutory assessment. As a parent, you have the right to ask for this to be carried out even if the school does not agree that it is necessary. However, this is different to other assessments carried out by healthcare specialists for example, autism and speech and language therapy.

A parent can request a statutory assessment at any time if they believe:

- that their child has significant and complex special educational needs that are impacting on their ability to learn.
- that the support they have received in school and/or external professionals has not resulted in adequate progress.
- And if no statutory assessment has been carried out within the previous six months

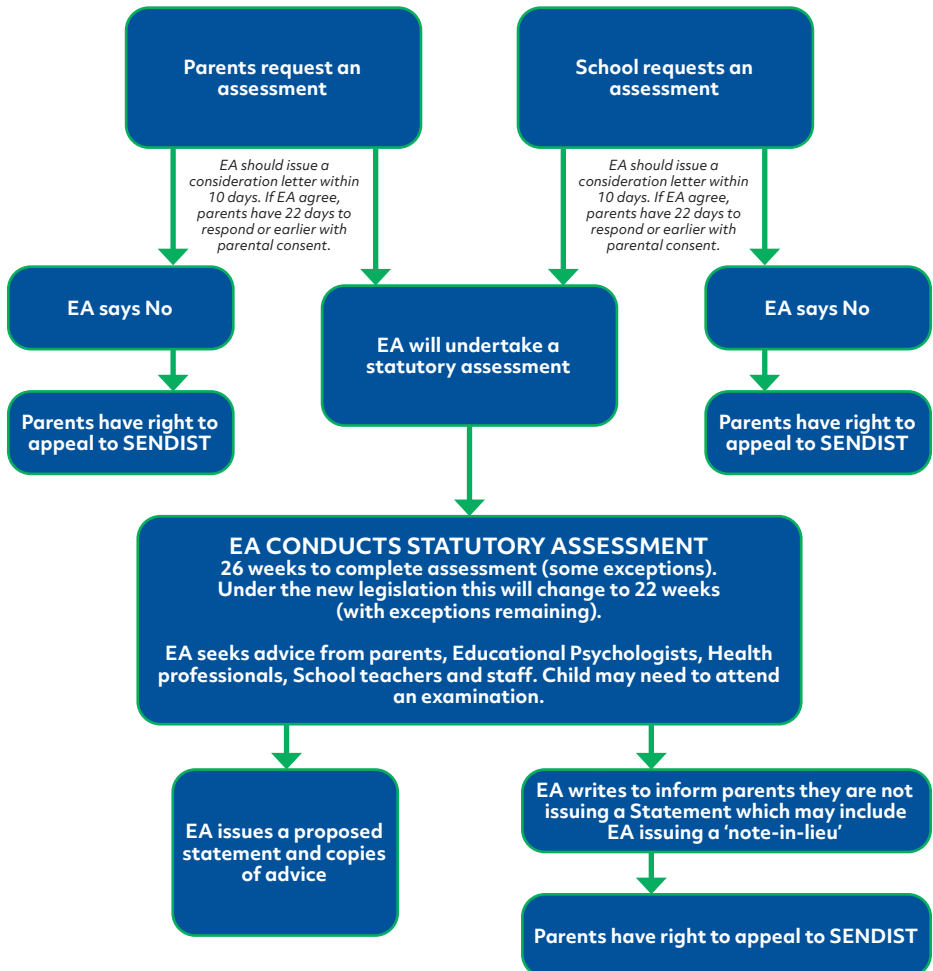
How do I request a Statutory Assessment?

Online: You can request a Statutory Assessment online through the Education Authority's website <https://statutoryassessment.eani.org.uk> You will find a walk-through video on this page which explains how to complete the form.

In writing: A request can be made in writing to the Education Officer (Special Needs) at the Education Authority office in the area you live. For EA's regional office contacts, search online <https://www.eani.org.uk/parents/special-educational-needs-sen/sen-contact-details>.

Please note: EA are required to respond to your request within six weeks.

Flow diagram highlighting The Statutory Statement Process.





Hints and tips when submitting your request for Statutory Assessment:

- Please obtain confirmation that the EA have received the letter/email. If you are delivering by hand, request the person receiving it, provides you with a receipt.
- It is important to keep a copy of the letter and a record of the date it was sent. In addition, please retain a copy of the letter received from the EA of the refusal to assess. The latter is needed to submit to the Special Educational Needs and Disability Tribunal (SENDIST) when lodging an appeal.
- Regarding the length of the process, there is a time frame noting EA have 26 weeks to complete a Statutory Assessment.
- Parents have the right during the process to submit written evidence to EA about their child's difficulties.
- You also have the right to provide private advice, opinions or other relevant reports which must be considered.
- In addition, you have the right to obtain guidance and support from a person independent of the EA.

What support and help can I ask for my child?

There are a number of support mechanisms that can be put in place for your child and it will depend on the evidence of the needs for each individual child which are appropriate.

This can include:

- Classroom Assistant (and what role they will fulfil)
- Visual prompts
- Timetables
- Home/school liaison diary (to be used as a communication tool between the school and parent/carers regarding the child's learning, not as a record of behaviour)
- Exam arrangements for example, extra time and/or a separate room
- Laptop
- Study area
- Arrangements for break and lunch time (Classroom Assistant, Quiet room)
- Named teacher as mentor
- Transport
- Speech and Language Therapy
- Occupational Therapy.



What is included in a statement of Special Educational Needs

A statement of special educational needs has six parts:

1. General information about your child and the advice the EA received from the assessment.
2. A description of your child's needs following the assessment.
3. The special help to be given for your child's needs.
4. The type and name of the school your child should go to and any arrangements out of school hours or off school premises.
5. Any non-educational needs your child has.
6. How your child will get help to meet any non-educational needs.

For this factsheet, Autism NI has provided additional information on parts 2 and 3 below.

Part 2 – Like a diagnosis	Part 3 – A prescription
All learning difficulties identified in a Statutory assessment should be included in this section.	Provision to meet the needs outlined in Part 2. Under current legislation and the Code of Practice the provision should be specified which should include quantification where relevant.
	Facilities
All therapies if they are to be provided in an educational setting	Staffing arrangements
	Curriculum

What is a Proposed Statement?

A Proposed Statement is a document that contains parts 1 – 6 of the statement and copies of all the advice submitted during the assessment of the child's needs. It is up to the parent to review all the information given before they either agree or disagree with the information, advice and support the EA feels adequate to meet the child's needs. You can seek advice and help with this.

If the parent agrees to what is contained within the Proposed Statement and the provisions that the EA is going to make for the child, then the EA will issue a Statement of Special Educational Needs naming the school in part 4 (after consulting with the parent).

If the parent does not agree with the Proposed Statement, they have 15 days to contact the EA providing written reasons as to why they disagree and what they feel should be added to or amended in the Statement based on the evidence and information provided in the Advices received within the Statement. A parent can request to meet with the EA Officer named on the Statement to discuss the Proposed Statement. The EA should supply parents with the information on the option of appealing to the Special Educational Needs and Disability Tribunal (SENDIST).

Special Educational Needs and Disability Tribunal (SENDIST)

If parents choose this route, they can progress an appeal themselves or avail of a charitable organisation or solicitor who can assist with correlating the relevant information needed with lodging appeals, drafting case statements and possibly representation at hearings. You can appeal:

- EA refusing a request by a school or parent for assessment
- Refusal to reassess (none in last six months)
- Refusal to issue a Statement after an assessment (A Note in Lieu = Refusal)
- If you disagree with a Statement or Amendment, this may be the description of the child's SEN in Part 2, the SEN provision specified in Part 3 or the school named or not named in Part 4
- If EA decided not to maintain a Statement
- If the request to change school named in Statement is refused.

How long does a statement last?

A statement should last for as long as the child needs help and support to access education. It can be reviewed after 6 months if the child needs further support, or if the child changes school or is diagnosed with another disability.

The statement should be reviewed annually, as the child's needs may have changed since the last statement was issued or different provision is required. If unresolved, you may request a reassessment of the child's needs.

Note: *Keep a copy of all letters and a record of any meetings/telephone calls in relation to the statement request.*

Seek additional assistance and support if you feel the process is overwhelming – useful organisations are listed at the back of this factsheet.

Organisations for further advice and support:

Autism NI

Knockbracken Healthcare Park
Saintfield Road
Belfast, BT8 8BH
Tel: 02890 401729
Email: info@autismni.org
Web: www.autismni.org

Children's Law Centre

2nd Floor
127-151 Ormeau Road
Belfast, BT7 1SH
Tel: 02890 245704
Email: chalky@childrenslawcentre.org
Web: <https://childrenslawcentre.org.uk/>

DARS Dispute Avoidance & Resolution Service

Global Mediation
55-59 Adelaide Street
Belfast, BT2 8FE
Tel: 02890 726060
Email: DARS@globalmediation.co.uk
Are you in dispute with your school or the Education Authority over special education (SEN)? Try DARS, a free and independent service.

Department Of Education NI

Rathgael House
Balloo House
Bangor, BT19 7PR
Tel: 02891 279279
Email: DE.DEWebMail@education-ni.gov.uk

Special Educational Needs Advice Centre (SENAC)

Graham House
Knockbracken Healthcare Park
Saintfield Road
Belfast, BT8 8BH
Tel: Advice Line: 02890 795779
Email: info@senac.co.uk
Web: www.senac.co.uk

Useful Documents and Reading

Department of Education NI
Code of Practice on the Identification & Assessment of Special Educational Needs (1998) and the Supplement to the Code.

<https://www.education-ni.gov.uk/articles/special-educational-needs-code-practice>

The above is available from the Department of Education – Rathgael House, Bangor





Donard, Knockbracken Healthcare Park
Saintfield Road, Belfast, BT8 8BH

Tel: **028 9040 1729**

Email: **info@autismni.org**

www.autismni.org

