

INFORMATION SHEET



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

Getting a Statement

Special Educational Needs Code of Practice

The SEN Code of Practice provides practical advice to Local Education Authorities, schools, early education settings and others (e.g. health and social services) involved in identifying, assessing and making provision for children's special educational needs, all of whom must have regard to the Code.

Copies of the SEN Code of Practice are available, free of charge from the DfES Publications department, Telephone 0845 6022260. You are strongly advised to obtain your own copy, which will be invaluable throughout the process.

Parent Partnership Services

All local education authorities must provide a parent partnership service. Your local parent partnership service should provide you with information, advice and guidance in relation to the special educational needs of your child so that you can make appropriate informed decisions.

Parent Partnership Services are organisations established with government funding and LEA funding to provide parents with advice, support and guidance regarding the statutory assessment procedure. Although not totally independent of the LEA (as they are partly, if not wholly, funded by them) they do provide impartial and objective information to enable parents and carers to make informed decisions.

It is hoped that parent partnership services will help to prevent difficulties between parents and authorities developing into disagreements. However, should disagreements arise, LEAS must provide disagreement resolution services.

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 cultivate and actively maintain a good relationship with this person and to avoid operating at a personal conflict level with individual officers if at all possible.

The LEA should also notify you of 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, a parent partnership service, another parent or friend."

Statements for children with challenging behaviour

If your child has severe learning difficulties and challenging behaviour, it is important to ensure that the challenging behaviour is included on the statement, including the precise form it takes. The LEA will then have a legal responsibility to ensure that the behaviour is addressed and regularly monitored.

Suggestions for inclusion :

Part 2 : Special Educational Needs

This section should include as much information as possible about the child's ability and difficulties in a range of areas.

Under the heading "Social/ Behavioural/Emotional" include the displaying of challenging behaviour, and its frequency (constantly, frequently or occasionally) and list the forms it can take (including self-injury, aggression, destruction, disruption and stereotyped behaviour).

Part 3: Special Educational Provision

Set out the objectives of the special educational provision, clearly and specifically e.g. "to reduce self-injurious behaviour", individually specifying 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 SEN. The LEA then has a legal responsibility to ensure that constant supervision is provided. LEAs are of course aware of this and the financial implications and are therefore 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.

Part 4: Placement

If your child requires 52 week provision in a school for children with severe learning difficulties and challenging behaviour, 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 /Non-Educational 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. Where the NHS does not provide this then the ultimate responsibility lies with the LEA if speech and language is identified as an educational need in Part 3.

Points to remember

- The SEN 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.
- If your child's statement no longer accurately represents your child's special educational needs, you can request (in writing) that your LEA undertakes an assessment for a new statement (providing that a statement has not been issued within the previous six months).
- Your child's statement must be formally reviewed annually. After the annual review you (or the school, or the LEA) can request that amendments are made to that statement. The LEA must consider such a request, within a certain timescale, and either adopt the amendment(s) or inform you why they do not intend to issue an amended statement.
- 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 are any important omissions, inform your LEA in writing within the timescale allowed.
- Finally, remember that resources are scarce and LEAs must be careful in allocating them.

Acknowledgements

The Challenging Behaviour Foundation would like to thank Partnership with Parents in Kent for their help in compiling this information sheet.

Last updated: June 2004