

Advice on receiving a refusal for statutory assessment

A guide for parents and carers

The purpose of this leaflet is to outline the various options open to you if you have any concerns or questions following the Local Authority's decision not to proceed with a statutory assessment for your child.

You may be disappointed with the Local Authority's decision not to carry out a statutory assessment of your child's special educational needs (SEN). Nationally fewer than 3% of the total school population have needs that are severe and complex enough for a statement. Most children with SEN are supported in school at the School Action or School Action Plus stages of the SEN Code of Practice and most of Hampshire County Council's SEN budget is delegated directly to schools so that they can make their own arrangements for supporting these children in school.

If you still have concerns or questions about the decision, this leaflet explains who you can contact for further clarification and support. If we are still unable to agree about the decision you have a legal right of appeal and details of how to do this are also included in this leaflet.

However, the Local Authority is committed, wherever possible, to resolving your concerns and we hope that this can be done at a local level without the need to take things further.

Your options

Listed below are a number of options that are available for you to follow. You can choose to follow one or more of the suggested actions:

- If you don't understand why we have not gone ahead with the statutory assessment, you contact the officer named in the letter that you received about this, who will be able to explain in more detail how the decision was reached. They will listen and note any additional views or evidence you wish to offer
- If you haven't done so already, requesting a meeting in school with the Special Educational Needs Co-ordinator, Headteacher, or anyone else who you think might be helpful, is often a useful way forward, with the objective of putting in place an action plan to support your child's needs for the school to implement, monitor and review
- An Inclusion Partnership Agreement is often a positive way forward. This is a formal agreement between you and everyone working with your child. It identifies support and helps to monitor progress through regular reviews. It can be implemented quickly and tailored to your child's needs. Further information is available from the officer named in the letter you received. You can also contact the SEN Service (see overleaf for details) and ask for a copy of the leaflet *Inclusion Partnership Agreement – a guide for parents and carers*.
- You can consider contacting a disagreement resolution service, operated by an independent third party, which aims to help to resolve or prevent disputes between parents and the Local Authority. Mediation is particularly useful when the people involved are finding it difficult to communicate about issues. The provider in Hampshire is Global Mediation and their contact details are given at the end of this leaflet

- As mentioned in the letter you received, you have a right to appeal to an independent tribunal regarding this decision. To appeal you must contact the First-tier Tribunal (Special Educational Needs and Disability). It is important to note that you have two months from the date of the letter to lodge your appeal. Your right to go to tribunal is not affected by involvement in mediation or by following any of the options mentioned in this leaflet.
- It may be that you would like the opportunity to discuss some of the options further. The Parent Partnership Service offers confidential support and impartial advice and guidance to parents on all issues relating to special educational needs. Parent Partnership Officers can support in a variety of ways including home visiting and support at meetings. Contact details are listed below.

Useful contact details

SEN Service, Hampshire County Council Children's Services Department

Tel: 0845 603 5620, email: childrens.services@hants.gov.uk

Website: www.hants.gov.uk/sen-home

Parent Partnership Service, Hampshire County Council Children's Services Department

Tel: 01962 845870, email: enquiries.pps@hants.gov.uk

Website: www.hants.gov.uk/parentpartnership

First-tier Tribunal (Special Educational Needs and Disability)

Tel: 01325 392760, email: sendistqueries@tribunal.gsi.gov.uk

Website: www.justice.gov.uk

Global Mediation Limited

Tel: 020 8441 1355, email: info@globalmediation.co.uk

Website: www.globalmediation.co.uk

Advisory Centre for Education

Tel: 0808 800 5793

Website: www.ace-ed.org.uk

Independent Parental Special Education Advice (IPSEA)

Tel: 0800 018 4016

Website: www.ipsea.org.uk

This leaflet and other SEN leaflets for parents and carers are available to download at:
www.hants.gov.uk/sen-parentpublications.

For a copy of this publication in another language or format (e.g. large print or in an audio format) please contact: 0845 603 5620, childrens.services@hants.gov.uk or Minicom: 0845 603 5625