

My child does not meet the local authority criteria for statutory assessment

Your child's case has been considered by the local authority's special educational needs (SEN) panel and you have received a letter that says she/he does not meet the local authority criteria for an education health care (EHC) plan.

This does not mean that your child does not have SEN but rather that those needs are not severe or complex enough to meet the local authority's assessment criteria.

All Isle of Wight schools (including academies) have an amount of money within their own budgets to enable them to identify, assess and provide for children in their school who have SEN. This money comes into school in a variety of ways and should be sufficient to meet the educational needs of children receiving SEN support (see table opposite).

The local authority will have told you in their letter why your child does not meet the criteria. This may be because:

- your child's needs are not severe or complex enough and the panel feels that those needs could be met by the school through SEN Support;
- there is insufficient evidence from the school about how they have been helping your daughter or son;
- certain outside professionals have not been asked by the school for their advice on how to help your child (this might be the school's educational psychologist or a specialist advisory teacher);
- the panel may have suggested strategies that the school has not yet tried.

What will happen next?

It is important that you liaise closely with your child's school. You can request a meeting with the local authority and your child's school about this decision. The special educational needs co-ordinator (SENCO) should follow any advice given by the local authority, and if it is not successful or if they have additional evidence to provide, they can make a further request for statutory assessment.

SEN Support – what happens	How is it funded?
The school's SEN co-ordinator takes lead responsibility for gathering information and co-ordinating the SEN provision through the graduated approach, working with the child's teachers. A plan of support should be drawn up and clear records kept.	School-based, ie, funded through the school's own resources.
Teachers and the SEN co-ordinator supported by specialists from outside the school. The plan should also specify the outside help.	School-based, ie, funded through the school's own resources.
The local authority considers the need for a statutory assessment, if appropriate, makes that assessment, and considers the need for an EHC Plan. If appropriate, an EHC Plan is made and the special educational provision is arranged, monitored and reviewed.	The school will provide the first £6,000 of funding in the EHC plan and the remaining amount of funding attached to the statement will be delegated to your child's school through top-up funding from the local authority.

What can I do?

If, after this meeting, you still disagree with the LEA's decision, you could:

- lodge an appeal, with the Special Educational Needs and Disability Tribunal (SENDIST);
- Contact SEND IASS who can explain your options to you including using mediation.

SEND IASS can advise you about your right of appeal and discuss mediation with you.

It is important to remember that:

- it can take several months for an appeal to be heard by the tribunal;
- you can withdraw the appeal if you feel you no longer need to go ahead;
- if your appeal is about the Local Authority's refusal to assess, the only decision that the tribunal can make is to assess or not to assess;
- while you are waiting for the appeal to be heard your child should continue to receive support from the school at SEN support;
- if you have some new information about your child's SEN or you feel that her/his needs have changed, you can ask the local authority again to consider whether a statutory assessment should be carried out.

If you need further information, please contact

SEND Information, Advice and Support Service 11 Orchard Street, Newport, Isle of Wight, PO30 1JZ.

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