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## Information Sheet: 10

### MY CHILD DOES NOT MEET SURREY LOCAL AUTHORITY'S CRITERIA FOR ASSESSMENT WHAT DOES THIS MEAN?

Your child's papers have been considered by the area decision making process and you have just been told that she/he does not meet Surrey's criteria for assessment.

This does not mean that your child does not have special educational needs (SEN) but rather that those needs are not severe or complex enough to meet Surrey's assessment criteria.

All Surrey County Council maintained schools (including aided and foundation ones) 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 on School Action and School Action Plus (see table below). The Government estimates that about 5% of a school's total budget should be available to support SEN.

#### The Graduated Response

What happens?	How is it funded?
<p>The school's SEN Co-ordinator takes lead responsibility for gathering information and for co-ordinating the SEN provision, working with the child's teachers. An individual or group education plan (IEP) should be drawn up and clear records kept.</p>	<p>School-based, i.e., funded through the school's own resources.</p>

Teachers and the SEN Co-ordinator are supported by specialists from outside the school. The IEP should also specify the outside help. Surrey County Council carries out a termly audit of pupils on School Action Plus against set criteria.	School-based, i.e., funded through the school's own resources.
Surrey County Council considers the need for a statutory assessment, if appropriate, makes that assessment, and considers the need for a statement. If appropriate, a statement is made and the special educational provision is arranged, monitored and reviewed.	Surrey County Council led and funded, if required. All of the money generated by the Statement is delegated to schools (i.e., added to the school's budget).

Surrey County Council will have told you in their letter why your child does not meet the <sup>1</sup>criteria. This may be because:

- their needs are not severe or complex enough and the panel feels that those needs could be met by the school through School Action and School Action Plus
- 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. The special educational needs co-ordinator (SENCO) should follow any advice given by the Council and if it is not successful or if they have additional evidence to provide, they can make a further request for statutory assessment.

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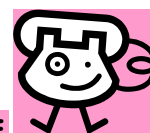
<sup>1</sup> The criteria can be obtained from your local education office. See our information sheet 8 on IEPs

## What can I do?

If, after discussion with your child's school, you still disagree with the Local Authority's decision, you could:

- Lodge the appeal, with the Special Educational Needs and Disability Tribunal (SEND).
- Consider mediation<sup>2</sup>.

N.B. Our Helpline can advise you about your right of appeal and discuss mediation with you.



N.B. You have only two months to get the papers in to the SEN Tribunal from the date of the Local Authority letter informing you of your right of appeal (i.e. if the letter from the Local Authority is dated 12 April you have until 12 June of the same year). If you miss that date you will lose the right of appeal, unless there are exceptional circumstances and you should speak to SEND urgently on 01325 392760.

## 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 SEN & Disability Tribunal can make is to assess or not to assess
  - if the decision is to assess, the Local Authority will have to carry out the statutory assessment, which can take up to six months
  - if the decision is not to assess, then your child will remain on School Action or School Action Plus.
- while you are waiting for the appeal to be heard your child should continue to receive support from the school on school action or school action plus.
- if you have some new information about your child's SEN or you feel that her/his needs have changed, you can ask the LA again to consider whether a statutory assessment should be carried out
- entering into mediation does not affect your right to appeal to the SEN Tribunal

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<sup>2</sup> See attached Global Mediation leaflet and our information sheet 2 "Keep Talking"

## Useful Contacts

WEST LOCAL OFFICE	EAST LOCAL OFFICE
<p>Local Education Office</p> <p>Grosvenor House London Square, Cross Lanes Guildford GU1 1FA</p> <p>Tel: 01483 517900/901</p> <p>Fax: 01483 517808</p>	<p>East Surrey Area Office</p> <p>Omnibus Lesbourne Road Reigate RH2 7JA</p> <p>Tel: 01737 737600</p> <p>Fax:01737 737912</p>
North East Local Education Area	North West Local Education Area
<p>Epsom &amp; Ewell, Elmbridge Spelthorne</p> <p style="color: #0070c0;">Area Special Needs Manager</p> <p>Amanda Hitchcock</p>	<p>Runnymede, Woking Surrey Heath</p> <p style="color: #0070c0;">Area Special Needs Manager</p> <p>Carole Gill</p>
South East Local Education Area	South West Local Education Area
<p>Mole Valley, Tandridge Reigate and Banstead</p> <p style="color: #0070c0;">Area Special Needs Manager</p> <p>Shelagh Green</p>	<p>Guildford, Waverley</p> <p style="color: #0070c0;">Area Special Needs Manager</p> <p>David Griffiths</p>
Global Mediation	SEND
<p>Global Mediation Ltd</p> <p>Elwood House, 42 Lytton Road Barnet, EN5 5BY</p> <p>Tel:0208 441 1355</p> <p>Email: <a href="mailto:send@globalmediation.co.uk">send@globalmediation.co.uk</a></p>	<p>SEND Tribunal</p> <p>2<sup>nd</sup> Floor, Old Hall Mowden Hall, Staindrop Road Darlington DL3 9BG</p> <p>Tel:01325 392760</p> <p>Email: <a href="mailto:sendistqueries@tribunals.gsi.gov.uk">sendistqueries@tribunals.gsi.gov.uk</a></p>

