

Appeals • Reviews • Amendments • Changing school • Leaving school

Together with the proposed statement, the LEA must send parents details of all age-appropriate local maintained schools and a list of independent schools approved by the Secretary of State.

The Code says that every effort should be made to ensure that, as far as possible, the child's views are reflected in the proposed statement and that the child understands the reasons for the proposals.

Parents can visit any school which they are thinking of naming as the school of their choice. Parents should remember to make use of the Independent Parental Supporter at this and other stages.

The LEA should normally make the final statement within eight weeks of making the proposed statement.

Final statement arrives

The LEA confirms or amends the proposed statement and issues the final statement to parents. The final statement includes the name of the school given by the parents – unless the LEA considers that the school is inappropriate to the child's age, ability, aptitude or SEN, or other children's education is adversely affected, or the LEA's resources are not being used effectively. No school will be named if parents have made acceptable alternative educational arrangements for their child.

The LEA must also tell parents of their right of appeal to the SEN Tribunal if they disagree with the statement and/or the school named in it and the availability, without jeopardising this right, of local parent partnership and dispute resolution services.

either
Parents agree with the final statement and the LEA and school parent to introduce the provision required by the statement.

or
Parents disagree with the final statement and discuss matters with the named officer. If unable to reach agreement, parents can make use of local parent partnership and dispute resolution services and/or decide to appeal to the SEN Tribunal.

The final statement must contain:

- the child's family details;
- the LEA's description of the child's SEN;
- the provision to meet those needs, quantified in terms of hours and staffing arrangements, and the objectives to be achieved;
- the name of a particular school, unless parents have made suitable alternative arrangements;
- the arrangements for monitoring progress;
- all non-educational needs with details of the provision to meet them (though this is not legally binding in the same way that provision for educational needs is).

Short-term educational targets should be set by a child's school within two months of the child arriving at the school. (These targets would not be part of the statement.)

The final statement, including reports, may not be disclosed without parents' consent, except in specific circumstances.

Appealing

If parents are not satisfied that a school has taken proper account of the Code of Practice in the early stages of assessing and meeting a child's SEN (School Action and School Action Plus), they should first take the matter up with the school and then, if still unhappy, with the LEA (in the case of an LEA-maintained school). If they remain dissatisfied, they can make a formal complaint to the Secretary of State under Section 497 of the 1996 Education Act.

Parents can appeal to the independent SEN Tribunal against the statement when it is first issued, when it is amended and if the LEA refuses to amend it after a reassessment. Appeals can be against:

- the description of their child's learning difficulties;
- the help to be given for their child's needs;
- the type and name of the school listed by their LEA;
- the statement not naming the school.

Parents can also appeal to the SEN Tribunal if the LEA:

- refuses to carry out an assessment;
- refuses to make a statement;
- decides to stop maintaining a statement;
- refuses to re-assess a child following a parent's request if an assessment has not been made for six months;
- refuses to change the name of the school in an existing statement if a request to do so has not been made for 12 months.

Parents must apply to the Tribunal within two months of receiving notice of the LEA's decision relating to the above points.

When hearing an appeal, the SEN Tribunal asks: has the LEA taken proper account of the Code and reached the right decision in the particular circumstances set out in the Acts? The Tribunal can support the LEA, tell it to think again, or order it to carry out parents' wishes within specified time limits.

If the Tribunal turns down the appeal, there is no further right of appeal to the Secretary of State. Instead, parents can ask the Tribunal to review its decision if there was a problem with how it was made or if they can appeal to the courts on a point of law. They must do the latter within 28 days of the date of issue of the decision.

The SEN Tribunal Regulations 2001, which came into force in September 2001, state that the child who is the subject of an appeal has a right to attend the hearing. The LEA should ascertain the views of the child on the issues raised by the appeal, or give reasons why it has not done so.

The LEA should tell parents about organisations which can help with appeals, and any relevant free services.

Reviewing the statement

The LEA must review a child's statement at least every 12 months (the annual review). This requires a report from the school and a review meeting, organised by the headteacher, involving parents, teachers, someone from the LEA and, where relevant, health and social services professionals, and the careers service. Parents must be invited to the meeting and have advance copies of all reports made on their child and be invited to make contributions and comments on the reports.

A review meeting scrutinising the statement for its suitability for the child sets new targets for a child and sends a report to the LEA, which decides whether to propose changes to the statement.

The review of the statement in Year 9 differs from previous reviews in its extension to matters of post-16 provision as well as ongoing schooling. It must be attended by a representative from the Connexions Service (the service which provides support for all 13-19 year olds in making the transition to work and adult life). The social services department should also be invited to send a representative. The meeting should result in a transition plan (see page 11) for the child which outlines the first steps necessary in planning for the child's transition to post-16 provision. The transition plan must be updated at each subsequent annual review.

There is no legal requirement for a child to attend annual reviews, but the Code stresses the importance of involving children and young people in all the decision-making processes that occur in their education, including the setting of learning targets, IEPs, the choice of schools, assessment of their needs and all review processes. This is particularly important in establishing transition arrangements from Year 9 onwards.

Amending the statement

The annual review may result in the LEA proposing changes to the statement and even a change of school. The LEA tells parents by letter of proposed changes, though at this stage the school should not be specified. Parents have 15 days in which to tell the LEA what they think of the changes. Parents can request a meeting and can name their preferred maintained school. LEAs must send information to the schools being considered. They must inform parents of the availability of parent partnership and dispute resolution services and, whether or not they use these, of their right to appeal to the SEN Tribunal. The LEA must make its final decision within eight weeks of proposing the changes.

Change of school

At any time, parents can request a change of school named in the statement to a preferred LEA maintained school. The LEA is under a duty to agree provided that the request is made more than 12 months after:

- a similar request;
- the issue of a final copy of the statement;
- the issue of an amended statement; or
- the end of an appeal to the Tribunal over the provision specified in the statement;

and provided that:

- the child's needs can be properly met;

- other children's education is not adversely affected;
- and resources are used efficiently.

If the LEA does refuse, parents can appeal to the SEN Tribunal. If the LEA decides not to comply, it must inform the parent in writing of:

- that decision;
- the parents' right to appeal.

Leaving school

All young people are legally entitled to free, full-time education up to the age of 19. The LEA remains responsible for maintaining the statements of young people with SEN who stay on at school after the age of 16 until the end of the academic year in which their 19th birthday falls.

However, the statement of a young person who leaves school between 16 and 19 may lapse. In its place – but without the legal force of a statement – the transition plan should set out agreed arrangements for meeting a young person's special needs in further or higher education, or in social services provision.

It is the responsibility of the Connexions Service, working with the LEA and with the agreement of the young person and parents, to ensure that where a young person has a statement of SEN, a copy of the statement, together with the most recent annual review and the transition plan, is passed to the social services department, the college to be attended, and, when necessary, the Learning and Skills Council (LSC).

The Connexions Service also has a responsibility, under the Learning and Skills Act 2000, to ensure that all young people who may have difficulty in transferring to further education or training post-16, including young people with special educational needs who do not have statements, have a needs and provision assessment.

Under the Learning and Skills Act, the LSC must 'have regard to' the post-16 educational needs of students who have learning difficulties and/or disabilities. This mainly entails making sure that there is sufficient further education opportunities for such students. It may extend to funding places in a specialist college if a student's needs cannot be met by her or his local college.

The LSC is responsible for all post-16 education and training and academic and vocational courses (except higher education). Other types of college course, and school provision up to the age of 19, are the LEA's responsibility. These options should be considered in drawing up a young person's transition plan.

If parents would like their child to remain at school after the age of 16 but the LEA considers that a placement at a further education college is more important, the LEA must write to the parents informing them of their intention to cease to maintain the statement, of the availability of dispute resolution services and, whether or not they use these, their right to appeal to the SEN Tribunal.

Published by
Centre for Studies on Inclusive Education (CSIE),
New Bedford, Frenchay Campus, Colchester
Lane, Bristol BS1 6 1QJ
phone 0117 328 6007
fax 0117 328 6005
website: www.csie.org.uk
Registered charity 237880
Registered company 2032521
VAT registered no S87 2498 84

Designed by Susan Clarke
Printed by Expressions Printers Ltd. 023 8041
ISBN 1 872001 13 0
© CSIE
First published 1994
Second revision January 1997
Revised January 1998, 1999
Revised January 2002
This sixth revision written for CSIE
by Sharon Rouseman, June 2005

Where to find out more

Your local education authority (LEA) and, in the case of children under five, social services department should be your first source of advice and help – look them up in the local phone book.

Organisations

The following national organisations can also provide information and advice, or pass you on to someone who can.

Centre for Studies on Inclusive Education (CSIE)

New Bedford, Frenchay Campus, Colchester Lane, Bristol BS1 6 1QJ, phone 0117 328 6007; www.csie.org.uk. Publishes large number of free and inexpensive leaflets and reports on inclusive education to help parents and professionals; organises conferences and supports parents' groups, students, schools and LEAs. Also publishes the 'Index for Inclusion', written by Tony Booth and Mel Ainscow, which helps ordinary schools break down barriers to learning and participation for all pupils.

Advisory Centre for Education (ACE)

Unit 1C Aberdeen Studios, 22 Highbury Grove, London N5 2DQ; phone 0808 800 5793; www.ace-ed.org.uk. Offers free advice to parents and others on all aspects of state education; publishes guides to the law on education and many other aspects of schooling, including a bi-monthly ACE Bulletin. See ACE Special Education Handbook.

Children's Legal Centre

University of Essex, Wivenhoe Park, Colchester, Essex CO3 3SQ; phone 01206 874807; email clc@essex.ac.uk; www.childrenslegalcentre.com. Runs free advice service on all aspects of law and policy affecting children and young people in the UK, including special education; publishes wide range of guides, including a monthly Childright magazine.

Council for Disabled Children

8 Walkley Street, London EC1V 7QE; phone 020 7843 1900; www.ncrb.org.uk/cdc. Offers free information service; issues publications on SEN and listings of organisations concerned with specific disabilities or learning difficulties.

Network 81

1-7 Woodfield Terrace, Stansted, Essex CM24 1AJ; phone 0870 770 2362; email Network81@essex.nhs.uk; www.network81.co.uk. National network of parents' groups supporting families with children with disabilities or learning difficulties and offering advice and information by phone and links with other groups and individuals; issues publications and organises conferences and training days.

Independent Panel for Special Education Advice (IPSEA)

5 Carlow Meads, Woodroffe, Suffolk IP12 1EA; phone 0800 016 016; email ipsea.in@gmail.com; www.ipsea.org.uk. Offers advice on LEAs' duties towards children and young people with SEN; second professional opinions on those needs; and publishes a parents' newsletter.

The Alliance for Inclusive Education

Unit 2, 70 South Lambeth Road, London SW8 1RL; phone 020 7735 5277; www.allie.org.uk

Organisation led by disabled people campaigning for changes in education law: runs group for disabled and non-disabled children under 18 ('Young and Powerful'); works closely with Parents for Inclusion and Disability Equality in Education (see below).

Parents for Inclusion

Unit 3, 70 South Lambeth Road, London SW8 1RL; phone helpline 0800 652 3145; email info@parentsforinclusion.org; www.parentsforinclusion.org. Support group run by parents for parents, offering free advice and support about SEN and inclusion.

Disability Equality in Education (DEE)

Unit GL, Leroy House, 436 Essex Road, London N1 3QH; phone 020 7359 2855; www.deeonline.org. Organises training on inclusion for schools and LEAs, designed and delivered by disabled trainers.

Other sources of information

The following organisations and government departments answer queries and issue publications concerning the law on SEN.

Department for Education and Skills (DfES)

Sanctuary Building, Great Smith Street, London SW1P 3BT; phone 0870 800008; email info@dfe.gov.uk; www.teachernet.gov.uk/wholeschool/

Department of Health

Richmond House, 79 Whitehall, London SW1A 2NL; phone 020 7210 4850; email dtrmal@dh.gov.uk; www.doh.gov.uk

Disability Rights Commission

Freepost MED 02164, Stratford-upon-Avon CV37 9BB; phone 08457 622633; www.drc.gov.org

National Assembly for Wales

Cardiff Bay, Cardiff CF99 1NA; phone 02920 825111; website: www.wales.gov.uk

For information on access to further education, first contact your local FE college, and also:

Learning and Skills Council

Chelymore House, Quanton Road, County CV1 2NF; phone 0870 790 6800; website: www.lsc.gov.uk

Connexions National Unit

phone 080 800 13219; www.connexions.gov.uk

Skill National Bureau for Students with Disabilities

Chapter House, 18-20 Crucifix Lane, London SE1 3JW; phone 0800 3285050; www.skills.org.uk

Publications

The following Department for Education and Skills publications are available free by phoning the DfES Publications on 0845 6022460:

- SEN Code of Practice
- SEN - A Guide for Parents
- SEN Tribunals: How to Appeal
- Inclusive Schooling – Children with special educational needs (Statutory Guidance, ref DfES/0774/2001)
- SEN Toolkit 2001

Useful information for parents can also be found on the following DfES websites:

- www.parentscentre.gov.uk/specialneeds/
- www.sendonboard.gov.uk/parents.htm

Assessments & statements

CSIE Summary
updated June 2005

the right to education in mainstream schools

In May 2001, legislation was passed which brought in significant amendments to the law in England governing the education of disabled pupils and those experiencing learning difficulties. Most notably, this legislation forms a core part of the statutory framework for inclusion and in a historic move strengthened the rights of pupils with statements of special educational needs (SEN) to mainstream education by removing two of the conditions on mainstream inclusion for these pupils where parents have not asked for a particular school. This CSIE summary covers the assessment and statementing procedures relating to pupils identified as having SEN as set out in Part 4 of the 1996 Education Act and amended by the Special Educational Needs and Disability Act 2001.



CSIE summary of Part 4 of the Education Act 1996 as amended by Part 1 of the Special Educational Needs and Disability Act 2001

Procedures for assessments and statements under the 1996 Act and SENDA 2001

Part 4, Education Act 1996

The main aspects of Part 4 are:

- a separate Code of Practice giving detailed practical guidance to schools and local education authorities (LEAs) on how to identify, assess, record, meet, and review SEN – both with and without statutory statementing procedures;
- a normal limit of 26 weeks to complete the legal process for identifying and assessing special needs and, where appropriate, issuing a legally-binding statement on how those needs will be met;
- parents of children with statements are able to say which maintained school they prefer their child to attend and the LEA must agree – subject to certain conditions;
- the maintained school named on a child's statement of SEN must accept that child;
- LEAs have to carry out specific procedures when reviewing statements;
- an extension of parents' rights of appeal against LEA decisions on assessments and statements, to an independent Special Educational Needs Tribunal to hear those appeals;
- duties on schools to draw up, publish, and report on their Special Educational Needs Policy.

LEAs have a duty to identify, assess and provide for children requiring statements of SEN. This duty covers children from the age of two – and before that if a child is identified by his or her parents, the child health services or social services as having special needs.

Part 1, Special Educational Needs and Disability Act 2001 (SENDA 2001)

Part 1 of SENDA 2001 came into force in January 2002 in England. The amendments to the 1996 Act include:

- a strengthened right to education in mainstream schools for children with statements of SEN;
- a duty on LEAs to provide and advertise parent partnership services;
- a duty on LEAs to make arrangements for resolving disagreements between parents and schools and between parents and the LEA, without affecting parents' right of appeal to the Tribunal;
- a duty on schools to inform parents when any SEN provision is made for their child;
- tightened arrangements for Tribunal appeals, including time limits for the implementation of the Tribunal's decisions.

Accompanying these legislative changes from January 2002 were the introduction of:

- a Code of Practice which superseded the original edition and placing more emphasis on within-school teaching and curriculum responses to pupils' needs and on parent and pupil participation in assessment and decision making;
- Statutory Guidance on the practical operation of the new framework for inclusion;
- an SEN Toolkit of practical guidance and resources to accompany the code.

From September 2002, Part 2 of SENDA was in force, accompanied by two Codes of Practice produced by the Disability Rights Commission – one for schools and one for post-16 education. This part of SENDA amended the 1995 Disability Discrimination Act to cover access to education. It made it unlawful to discriminate against disabled pupils in all aspects of school life. The SEN Tribunal was renamed the SEN and Disability Tribunal (SENDIST) and its remit extended to cover cases of disability discrimination.

(Note: there are differences in the way the law and Code apply in Wales. There are separate laws covering Scotland and Northern Ireland.)

2

The duty to include in the mainstream

Under Part 1 of SENDA 2001, LEAs have a duty to include all children with SEN who do not have a statement in mainstream schools. In these cases, parents should be informed that the school is making SEN provision for their child. Children who have a statement of SEN should be included in mainstream schools, so long as:

- other children's education is not adversely affected (the LEA can only rely on this exception if it shows that there are no reasonable steps that can be taken to prevent such an effect);
- parents are in agreement.

However, an LEA may include a child – even when parents want a special school – if the special school is not appropriate. In this situation parents can appeal to the Tribunal. Parents can also name the school they want their child to go to when the statement is first issued, and then on an annual basis. If the LEA does not agree, parents can appeal (see under Change of school on page 10).

What parents should expect from their child's school

A school must:

- provide the name of the teacher responsible for children with SEN (usually called the SEN co-ordinator);
- explain its arrangements for deciding which children need help and how it will be given;
- describe how it will work closely with parents.

What parents should expect from their LEA

An LEA must:

- inform parents of relevant advice, information and services in the area;
- make arrangements for parent partnership and dispute resolution services and make these known to parents;
- make assessments and statements within the proper time limits (see following pages);
- write clear and thorough statements which set out a child's educational and other needs, the objectives to be achieved, the provision to be made, and the arrangements for monitoring and review;
- ensure that there is an annual review of the provision made and that educational targets are monitored and updated;
- at appropriate stages, inform parents of their rights of appeal (including time limits for lodging an appeal), and the fact that these rights are not affected if parents choose to use dispute resolution procedures.

This leaflet provides a brief introduction to the Code of Practice followed by a step-by-step guide to the procedures for assessment and making a statement for a child with SEN under Part 4 of the 1996 Act and what is expected under reviews and amendment of the statement. It outlines the roles of parents and children in these procedures and explains, in brief, how to appeal against any decision or aspect of the procedures with which they disagree.

The Code of Practice (2001)

Schools and LEAs must have regard to the 2001 Code of Practice to plan how they will meet children's SEN. A child's needs must be met throughout her or his school career. Most children with SEN will be educated in ordinary schools without a statutory assessment or statement, with outside specialist help if necessary. The Code recommends a graduated response to SEN based on a recognition that there is a continuum of SEN and, where necessary, brings increasing specialist expertise to bear on the difficulties a child may be experiencing. Such needs may exist before a child goes to school – in which case the LEA,

3

along with health services and early years settings, should become involved at this early stage, having regard to the Code.

The Code emphasises that children with SEN, including those with statements, should usually:

- be educated alongside other children in ordinary schools;
- have full access to a broad and balanced education which includes the National Curriculum.

In addition, parents' knowledge, views and experience are seen as vital and the tasks of assessing and meeting needs will be most successful when:

- the school, the LEA and other professionals work in partnership with parents;
- those responsible take into account a child's wishes in the light of her or his age and understanding;
- there is close co-operation between all the agencies concerned and a multi-disciplinary approach to resolving issues.

A graduated approach

The Code recommends that schools and LEAs should provide a graduated response to children with SEN. It suggests gradually increasing interventions into teaching and curriculum referred to as School Action and School Action Plus before embarking on the statutory assessment and statementing procedures. For younger children these interventions are called Early Years Action and Early Years Action Plus. However, the Code does not insist on schools following this particular pattern, so long as a school's own scheme recognises the various levels of need, the different responsibilities for assessing and meeting those needs, and the numerous types of provision available. Parents and pupils are entitled, and expected, to be fully involved and consulted at all stages.

The early stages of assessing and meeting SEN should be based within the school setting. The final procedures involve statutory requirements with responsibility shared between school and the LEA.

Approach	Response to special educational need	Who organises?
Identification	Class teacher or form/year tutor identifies a child's SEN, based on the child making inadequate progress despite differentiation of learning opportunities.	School
School Action	School informs parents that their child is considered as having SEN. SEN co-ordinator and colleagues gather information about the child, including from parents. SEN co-ordinator organises special educational provision and ensures, as appropriate, that an individual education plan (IEP) is drawn up, working with the child's teachers to devise school-based interventions.	School
School Action Plus	SEN co-ordinator brings in outside specialists to advise on further changes that could be made within the school to meet the child's needs.	School
Statutory assessment	LEA considers the need for statutory assessment and, if appropriate, makes a multi-disciplinary assessment.	School & LEA
Making a statement	LEA considers the need for a statement of SEN and, if appropriate, makes a statement and arranges, monitors and reviews provision.	School & LEA

4

Proposing an assessment

School, health services or social services department considers that a child ought to be assessed – and, after consulting with the parents, requests an assessment by the LEA. A parent may also request a statutory assessment.

The LEA considers whether to carry out a statutory assessment of a child and writes to the parents:

- informing them that they are considering whether to make a statutory assessment (where it was not the parent who requested this);
- explaining the procedures to be followed;
- providing the name of an LEA officer who can give more information (a 'named officer');
- explaining parents' right, within a stated time limit, to agree or disagree with the proposal and to send in written evidence within at least 29 days;
- explaining the local parent partnership services which can give information and advice and arrange access to available Independent Parental Supporters (see below).

The LEA also tells:

- the child's headteacher
- the local social services department
- the district health authority.

or
Parents ask the LEA to assess their child's SEN. The LEA must take the request seriously and act immediately. (The LEA can refuse only if the child has been formally assessed within the previous six months or, having looked at all the evidence, it considers an assessment is 'unnecessary'. In this case, the LEA must inform parents of their right to appeal, the availability of local dispute resolution services, and the fact that their use of these does not affect their right to appeal.)

Parents have at least 29 days in which to tell the LEA what they think of its proposal, to make representations, submit evidence, and name people they want the LEA to consult. The limit of 29 days is waived if the parents request an assessment.

Schools should seek the views of parents and of the child 'as appropriate to their age and understanding'.

The Code says that the provision of Independent Parental Supporters is an expected role of local parent partnership services. An Independent Parental Supporter is someone who is available to advise, support and attend meetings with parents throughout the whole process of assessment and making a statement, and is independent of the decision making process that determines the type and level of support for a child with SEN. This must be someone parents can trust, and could be a professional, someone from a voluntary organisation or parents' support group, a friend or relative. Referral to an Independent Parental Supporter by the parent partnership service should be made in negotiation with parents.

The LEA has six weeks in which to decide whether to go ahead with the assessment. (This includes the 29 days in which parents may make representations.)

5

Deciding to assess

Within six weeks, the LEA decides to go ahead with the assessment and tells parents by letter of that decision and the reasons for it. The LEA must also inform parents:

- of their right to appeal to the SEN Tribunal;
- that their child may be called for an examination of assessment and that, if so, the parents have a right to attend;
- of the name of an LEA officer who can give more information;
- of their right to submit further information to the LEA.

or
The LEA decides not to go ahead and tells parents by letter of the decision and the reasons for it. The LEA must also inform parents of the availability of dispute resolution services and, whether or not they use these services, their right to appeal to the SEN Tribunal.

Can I complain or appeal?

If the LEA:

- delays a decision beyond six weeks, you can get the named officer to sort things out, and if the matter is still not resolved, you can complain directly to the Secretary of State for Education and Skills;
- decides not to carry out an assessment at all, you can appeal to the SEN Tribunal which can support the LEA or order it to make an assessment. You must appeal within two months of the LEA's decision not to go ahead.

Assessment begins

The LEA has 10 weeks in which to carry out the assessment.

The LEA consults parents, headteacher and teachers, medical, psychological and social services staff, and anyone else who knows the child well and can give useful advice.

The Code says that the LEA should also find out and take account of what the child thinks about her or his special needs and about what help is needed.

Parents have the right to attend any or all of the examinations (eg interviews, tests, medical and other assessments) arranged for the purposes of the assessment. They can also submit any information they wish about their child, including independent assessments. The LEA must copy all such information and give it to all those professionals who see the child.

The time limits by which the different stages of assessment and statementing should be completed may be extended in certain specified circumstances, for example, when parents are away from the area for lengthy periods, the child does not keep an appointment for an examination or test, or parents want more time to provide advice for the assessment or to comment on the draft statement.

6

Assessment completed

The LEA decides within 10 weeks whether or not to issue a statement and then has two weeks in which to send parents full details of its decision – so the maximum time between assessment and notifying parents of the outcome is 12 weeks.

The main reason for making a statement is when all the special educational provision required to meet a child's needs cannot reasonably be provided by local ordinary schools within the resources they normally have.

If yes to statement

The LEA sends parents a copy of the proposed statement, together with copies of all the reports and advice which the LEA used to reach its decision about the type of provision recommended in the statement for meeting the child's special needs. The statement should be clear, concise, and easily understood, with all technical terms and jargon fully explained. At this stage, the statement will not specify a school. Along with copies of the proposals, the LEA will also inform parents in writing of:

- arrangements for parents to express their choice of school;
- parents' right to make representations about the content of the statement;
- parents' right to request a meeting with an LEA officer to discuss the statement, and with any other relevant professionals considered necessary as a result of this meeting;
- parents' right to appeal, with time limits.

If no to statement

The LEA tells parents by letter of its decision and why – and of the availability of parent partnership and dispute resolution services and, whether or not they use these, of their right of appeal. The Code says that the LEA should also consider issuing to parents and the school a 'note in lieu of a statement' setting out the reasons for its decision, the supporting evidence, and all the advice received during the assessment.

Can I appeal?

You can appeal to the SEN Tribunal, which can support the LEA, order it to make a statement, or tell it to think again. You must appeal within two months of the LEA's decision not to issue a statement.

Proposed statement arrives

Parents have 15 days in which to:

- tell the LEA what they think of the proposed statement;
- meet and discuss matters with LEA officers (including the named officer) and any professional who gave advice in compiling the statement;
- express a preference for the school they want their child to attend.

Parents can ask for any number of further meetings with the LEA within 15 days of any previous meeting – and then have another 15 days after the final meeting to send the LEA any more comments.

If the LEA decides against the parents' first choice of school, they should inform the parents in writing of that decision, of the availability of parent partnership and dispute resolution services, and, whether or not they use these services, their right to appeal to the SEN Tribunal.

7