

A guide to statutory assessment & statements of special educational needs for deaf children (Northern Ireland)

The topics covered in this leaflet include:

- The Code of Practice and special educational needs register
- The statutory assessment process
- Making your parental contribution to the statutory assessment process
- Statements of special educational needs
- Checking proposed statements

Introduction

Deafness itself is not seen as a special educational need. However, your child may have needs that arise because of their deafness. This requires a special educational provision to be made. You may find that your child needs support at school to be able to participate fully in different activities.

Your child's needs might include help with:

- the development of language and communication skills (using signing and/or speech) so that your child is able to express themselves easily and understand people around them
- building up of communication skills so that they can connect their thoughts and feelings to the language that they use
- support using any hearing that they might have, known as 'residual hearing'
- getting social, educational and emotional support from other deaf* children

* The NDCS uses the term 'deaf' to cover all types of hearing loss, including temporary hearing loss such as glue ear.

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- developing a positive self image and self esteem, as a deaf child
- developing positive relationships with hearing children in educational and social situations.

The Education (Northern Ireland) Order 1996 places a range of duties on everyone involved in educating your child and strengthens parents rights. In addition to this the Code of Practice, issued by the Department of Education, gives guidance to Education and Library Boards (ELB) and schools about the identification, assessment, provision, monitoring and review of children with special educational needs.

The Code of Practice recommends that help be given in five stages depending upon a child's needs. A child can move up and down the stages and can go straight to stages 1,2,3 or 4. If your child has special educational needs the school should tell you, and put your child's name on the special educational needs register (also parents can ask for their child to be put on SE register). The Code states that these stages are a way of helping schools and parents decide what special provision is needed for your child. If you think your child should be on one of the stages, you can start the process yourself by expressing your concern to the school.

The five stage model

Below is a table that shows the five stages to obtaining a statement.

The five stage model

Stage	Description	Responsibility
1	Usually your child's teacher or the Special Educational Needs Co-ordinator (SENCO) records any difficulties your child might be having. At stage one your child will be monitored and their progress reviewed.	School
2	The SENCO takes the responsibility for gathering information about your child and co-ordinating the necessary provision.	School
3	The SENCO and class teachers are supported by specialists from outside the school, eg a teacher of the deaf.	School & ELB
4	The ELB considers whether there is the need to make a statutory assessment and if necessary, to carry one out.	School & ELB
5	The ELB considers the need for a statement of special educational needs and issues one, if appropriate.	ELB

Deaf children without a statement of special educational needs

It is important to remember that a deaf child with a statement may have very similar needs to a deaf child without a statement. Even though your child may not have a statement, school governors and staff still have legal responsibilities to make sure that your child receives the provision they need. In some areas of the country, children's needs will be met by the school itself, without having to get a statement and additional support from the ELB. If your child has no statement it is important to make sure that their needs are being met and that they are assessed regularly.

Statements of special educational needs

What is a statement?

A statement of special educational needs is the document produced by an ELB designed to help plan and review the education of children with special needs who require more than a school is normally capable of providing. It describes in detail the special educational needs of your child and, following from this, the special educational provision which should be made. Only children with more complex needs (about 2 to 3 percent of all pupils) are likely to require a statement.

Special educational provision refers to things like the type of school, the communication approach that will be used to teach your child and other special support, such as, help from a teacher of the deaf, speech and language therapist or learning support assistant. A statement should set out learning programmes and learning goals for your child and contain a section describing how the provision will be reviewed. It is very important to review a statement to make sure that any changes in your child's needs are taken into account.

A table explaining the different parts of a statement of special education needs is given over the page:

A statement of special education needs															
Part 1	Family details Child and family details (name/address etc), including home language (eg English, Urdu, BSL etc).														
Part 2	Special educational needs Details of all your child's needs related to deafness, plus any other needs which your child may have. These should be based on the advice that the ELB receives from the professionals and from you.														
Part 3	Special educational provision Details of what provision is to be made for your child. This should match point for point the needs identified in Part 2 on special educational needs.														
Part 4	Provision The name or type of school your child is to attend.														
Part 5	Non educational needs All other non-educational needs of your child, as agreed between agencies such as health and social services and the ELB.														
Part 6	Non educational provision This should specify all the provision needed to meet the needs identified in Part 5.														
Appendices	This section contains all of the advice which was collected during the statutory assessment.														
	<table border="0"> <tr> <td style="padding-right: 10px;">A</td> <td>Parental advice</td> </tr> <tr> <td>B</td> <td>Educational advice</td> </tr> <tr> <td>C</td> <td>Medical advice</td> </tr> <tr> <td>D</td> <td>Psychological advice</td> </tr> <tr> <td>E</td> <td>Social services advice</td> </tr> <tr> <td>F</td> <td>Any other advice, eg your child's views</td> </tr> <tr> <td>G</td> <td>Any advice about the child which has been obtained since the last statement</td> </tr> </table>	A	Parental advice	B	Educational advice	C	Medical advice	D	Psychological advice	E	Social services advice	F	Any other advice, eg your child's views	G	Any advice about the child which has been obtained since the last statement
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What is a statutory assessment?

Asking for an assessment

The ELB has a responsibility to assess children with special needs. If they think there is a need they will arrange an assessment and inform you. The assessment will look at all aspects of your child's development including emotional, social, physical, linguistic, communicative, and educational

factors. It is important to give good educational reasons as to why an assessment should take place.

If you request an assessment the ELB must agree, unless it thinks the request unreasonable. In order to refuse an assessment for a deaf child the ELB would need to show very good reasons.

To request an assessment you will need to write to the education officer at the ELB. Their name and address can be obtained from your local school, the ELB, or your local library. In your letter you need to ask them to carry out an assessment of your child's educational needs, under the terms of the Education (NI) Order 1996, Article 20. It is also important to write down why you feel an assessment is needed.

When you receive notice of the assessment, you have **29 days** to say if you agree to it going ahead, and to submit any information about your child. If you agree to the assessment, you can ask the ELB to start the assessment immediately, and not wait until the 29 days are over. If the ELB decides not to make a full assessment of your child, then it must tell you, and give reasons. It should also inform you of your right of appeal to an independent special educational needs (SEN) Tribunal (for further information contact the NDCS).

The assessment process

Once the assessment has been agreed, a variety of professionals will arrange to see you and your child and then report their findings to the ELB. This is called 'advice'. Professionals who might be involved include teachers of the deaf, mainstream teachers, educational psychologists, medical officers, and speech and language therapists. You should be informed of when the assessments are going to take place. You can attend any of these assessments.

You will be given a Named Officer. This is someone who is employed by the ELB, and who will be responsible for keeping you informed about the assessment and its progress. You can refer to them for information and

support. The Named Officer is usually chosen by the ELB, but you can ask for an alternative person.

The ELB should also tell you about a possible Named Person/Independent Parent Supporter. This should be an individual or an organisation, independent of the ELB, who can give impartial information, advice and support throughout the assessment of your child. The NDCS can provide this service.

How long should this take?

There are legal (statutory) time scales by which an ELB must complete each part of the assessment process. The ELB should take no longer than **six months** to produce a statement of special educational needs. This starts from the first formal request by you as a parent, for an assessment to take place. If the school requests the assessment, make sure that you follow it up with a letter of your own. The ELB can only take longer than six months if there are truly exceptional reasons.

Action	Statutory time limits
Considering whether a statutory assessment is necessary. Making the assessment. Drafting the proposed statement or note in lieu*.	18 weeks in all
Finalising the statement.	8 weeks
	26 weeks (total)

* A **note in lieu** is issued to parents when, following a statutory assessment, the ELB decides not to make a statement. This is usually because it has come to the conclusion that a child's needs can be met within the school's own resources. The note should describe your child's special educational needs, explain why the ELB will not make a statement and make recommendations about appropriate provision for your child. All the advice received during the assessment should be attached to the note in lieu.

Parental advice - making your contribution

If it has been agreed that the ELB is to carry out a statutory assessment of your child, then a variety of professionals will submit information about your child and make recommendations about suitable education. As parents, you should be asked to submit your views on what you think your child's needs are.

Your views are important. You have a right to submit parental advice to your child's assessment. As parents, you know your child better than anyone. This is also your opportunity to express your thoughts about the type of education that you want for your child. The information you give about your child's development and personality will help the professionals develop a clearer picture of your child's needs in school. Give as much information as you can and be honest about your child's strengths and limitations.

The following list may help you when deciding what to write about your child.

Receptive skills (how your child understands what is communicated)

- You can mention eg the importance of maintaining eye contact when communicating with your child, the methods of communication your child is comfortable with etc.
- How well do you think they understand what is said to them at home or at school?
- Does your child understand a lot of what is communicated? What are the difficulties?

Expressive language

- How does your child communicate their needs and how effectively do they do this?
- How much confidence do they have? How sophisticated is the language (Sign language, spoken English or other home language) that they use?

Concentration/attention

- How long do they stay with an activity?
- Can you see imagination coming through play?
- Are there times when frustration sets in and they want to give up? How do they show this?

Self help

- What is their level of independence, personal care skills (hair brushing, teeth, dressing, making a sandwich etc)?
- Does your child like doing things for themselves, either at home or in school?

Motor skills (eg colouring, painting, riding a bike, climbing, balance, using scissors etc)

- Do you feel that their skills are about average or above for their age?
- Are these activities a cause of concern for you, or frustration for your child?

Responsibility

- Does your child want to help in the home?
- What degree of confidence do you have in your child to complete certain tasks and activities?
- How well do they look after their own or other peoples things?

Social skills

- Does your child play well alone or with other children?
- Are they more comfortable with adults, children, or people who communicate easily with them?
- Are they aware of the feelings of others?
- Are they more or less comfortable with deaf children?

Reading & writing

- Do they have good writing skills?
- Do they know the alphabet, for example? What is their level of reading?

- Does your child understand what they read?

Mathematics

Write down your thoughts, observations, or concerns about your child with reference to:

- concepts, such as how well do they know the differences between 'big' and 'small' or can they tell the time?
- How well can they count?
- Is your child confident with money? Do they have skill with coins etc?

How does your child see themselves?

- Do you feel communication is an issue in positive or negative relationships with yourself, the family, local children, in school, with school friends?
- Is your child confident in establishing relationships? How sociable are they? How much self-respect or self-esteem do they have?
- How do you see your child's behaviour with other people? Are they confident?
- Does your child behave appropriately for their age?
- Has your child expressed any views about their experiences?

Your general views

- What do you think your child's special educational needs are?
- How do you think your child's needs can be met?
- What are the areas that you feel need particular attention?
- What are your worries or concerns?

Summary

Summarise what you think the main issues are. Tell the ELB what you would like to see provided for your child, eg the type of school, the level of support etc. Remember, your views about your child's needs are essential to the assessment process. If there is anything you would like to discuss about the procedure, or if there is anything else you would like information and advice about, please contact the NDCS.

To statement or not?

When the assessment is completed, the ELB will make a decision based on all the advice, whether to write a statement. If they decide to write statement for your child, they will send a proposed statement to you (see Page 12). The advice collected about your child should be attached. From receiving the letter you have **15 days** to make comments on the contents of the statement and express any concerns you may have. This is also the time when you can name the school which you would like your child to attend (see page 16 - Part 4 Provision).

You can also arrange a meeting with the ELB to discuss the statement and the changes you want made. If changes are agreed, then a new proposed statement will be issued and you have another 15 days to consider its contents.

If the ELB does not wish to alter the contents of the statement it will take the decision to issue a final statement.

If you still disagree with the contents you have the right to appeal to the special educational needs (SEN) Tribunal. The NDCS can give further information and advice about this.

If you are happy with the proposed statement, the ELB will then issue a final statement. This will now serve as the contract between you and the ELB, setting out the additional services that will be provided for your child.

What is a proposed statement?

A proposed statement contains the information that the ELB proposes to include in the final statement. It should be issued no later than **2 weeks** after the assessment is finished. You have a legal right to make comments on the proposed statement and the ELB should take into account your comments (and the views and wishes of your child) when writing the final statement.

It is very important to check through the proposed statement carefully because the ELB has a legal duty to make sure that the provision described in Part 3 of the final statement, is provided for your child. Check to see that the proposed statement is specific about what and how much will be provided for your child and that nothing is missing. For instance, is there provision to meet each of the needs identified in Part 2 of the statement?

After receiving the proposed statement, you have **15 days** to pass your comments to the ELB. Under government regulations, the ELB must issue the final statement **8 weeks** after the proposed statement is sent to you, subject to certain exceptions (see Code of Practice, paragraphs 3.35-3.39).

The advice pages

As well as the proposed statement you should also receive the advice pages, which contain the advice of all the people involved in the assessment (according to The Education Special Educational Needs Regulations 1994 no.12). This will include your advice and that of professionals such as teachers, audiologists and educational psychologists. If the advice is not attached, then get in touch with the ELB to find out where it is.

Below are some suggestions to help you make the most of these pages.

The law says you have a right to see this advice and comment on it. The ELB must take into account the recommendations made when preparing the proposed and final statements.

- Make a general note of what each professional is saying and whether you agree or disagree with them. Make notes about these as well as anything you do not understand, or are not happy with. These notes will help in any meeting you need to have with the ELB. Look closely at the recommendations made.
- Do any of the professionals seem to agree on some issues? Do they add support to what you want for your child? Are there issues on which the professionals disagree? Does this need further investigation or add support to what you are asking for?

- What points are particularly accurate and positive about your child? Are they carried through into the needs and provision part of the draft (Parts 2 and 3)?

Checking the proposed statement

Part 1- Introduction

- Are your child's details correct?
- Are your details correct?

Part 2 - Special educational needs

This section is very important, as the educational provision made for your child will largely depend on the needs that are stated here. When you check through this part make sure all your child's educational needs are listed and that the advice given by you and other professionals in the advice pages, has been included. If you think something is missing, write it down and discuss it with the ELB.

The language and communication skills of your child should be stated and their future development considered. This section should also include details of your child's social, emotional and psychological development.

Checklist of special educational needs

The list of special educational needs below is taken from real statements and should give you an idea of what to ask for. It is not intended to be a complete list of needs and, of course, every child is unique, so use this guide with your own child in mind.

- To be surrounded by full and fluent language (whether oral, signed or both) allowing your child to develop the ideas needed for educational

development and communication¹. Details will vary depending on the language recommended for your child for example:

- An *aural/oral* approach may focus on your child's need to develop the ability to express and receive language. That is, the ability to communicate with and understand others.
- By contrast, a *sign bilingual approach* could say something like 'access to the curriculum through sign language, with emphasis also placed on the development of English language skills'.
- Another approach would be that of *total communication*, which might focus on the importance of developing English language skills through the use of Sign Supported English (SSE) or Signed English (SE).
- The right level of amplification to allow for the best use of any hearing your child has.
- Teaching methods and classroom organisation designed to help provide access to the full Northern Ireland curriculum.
- To have support from people who have strong communication skills with deaf children (you may even want to specify a level of signing skills).
- Opportunities to work alongside other deaf children and to give, and receive, social and emotional support from them.
- Access to qualified and experienced teacher(s) of deaf pupils, helping to make sure a high standard of education.
- Opportunities to meet with deaf adults who can provide positive examples, or role models, and so help to build the child's self esteem and confidence, as a deaf child.

¹For further information about different types of communication approaches please contact the NDCS Freephone helpline and ask for a copy of the factsheet *Communication with deaf children & young people*.

- To develop and encourage, as far as possible, the ability to speak and make use of any hearing, within the context of a properly planned approach to communication.
- Opportunities to work positively alongside hearing children.
- An educational environment that is aware of, and able to meet, the range of needs of a deaf child.
- Speech and language therapy

Part 3 - Special educational provision

This part consists of three main sections: objectives (3a), provision (3b) and monitoring (3c).

- **3a Objectives:** should specify the long-term objectives, or aims, which the ELB intends to achieve for your child.
- **3b Provision:** should look in detail at the provision the ELB will make for your child. This will include specific details of the facilities and resources that will be provided. **Make sure that provision is written down for all the needs stated in Part 2.**
- **3c Monitoring:** should specify the arrangements for reviewing how well the needs of your child are being met.

Remember that the Code of Practice (section 4.21) states that provision should be '***specific and quantified***'. This means that you will need to think about:

- who will actually provide support (such as a teacher of the deaf or speech and language therapist)?
- how it will be provided (such as through one-to-one contact or within a small group)?

- how much support will be given each week e.g. one hour a week?

Checklist - Special educational provision

Below is a checklist of special educational provision that may be in the proposed statement. The list is not complete, so do consider anything else you think should be added.

- Full access to the Northern Ireland Curriculum (with details of any changes if needed).
- Provision of radio hearing aids to increase the use of any hearing.
- Attention to the acoustic environment in the school.
- Support and teaching from a qualified and experienced teacher of the deaf, including details about the amount of time they will spend with your child.
- Educational programmes which pay particular attention to the development of language and communication skills.
- Opportunities for small group and individual learning.
- An appropriate peer group.
- A school environment which is committed to a whole school approach, to meeting the needs of deaf children. This will include information about how liaison between home and school will take place.
- Deaf adults who can provide practical support for your child, as well as act as role models, and assist in sign language teaching.
- Speech and language therapy.

Speech and language therapy

If speech and language therapy has been identified as an educational need for your child it should be stated in Parts 2 and 3 of their statement. The

ELB has a legal duty to ensure this provision is in place, even though the health authority may actually be the provider of the therapy.

Look for how much time your child will spend with a speech and language therapist. Ideally, there should be a commitment to a definite amount of therapy. Also check that the ELB or health and social services boards and trusts (HSST) are specific about the kind of skills that will be learnt. If appropriate for your child, consider whether you would prefer a speech therapist that has experience of working with deaf children and uses sign language to communicate.

Knowledge of the law can be useful when considering speech and language therapy. The case of *R v Lancashire County Council*, for example, is particularly helpful. It states that if speech and language therapy is an educational need for a child, there should be educational provision made for this in Part 3 of the statement, and ultimately the ELB is responsible for ensuring that provision is made. This also means is that if the health authority are not providing speech and language therapy, then the ELB must make this provision (for further information contact the NDCS).

Part 4 - Provision

The letter from the ELB that accompanies your child's proposed statement should explain that you have the opportunity to express a preference for a school. When issuing the proposed statement the ELB will not normally name a school in Part 4.

Under Code of Practice (paragraphs 4.33-4.41) parents can express a preference for a school they wish their child to attend. The ELB should inform parents of their rights to propose a placement other than a grant aided school in Northern Ireland. This should be done within 15 days of receiving the proposed statement. ELB's should comply with a parental preference unless the school is either:

1. unsuitable to the child's age, ability, aptitude or special educational needs;
OR
2. sending your child there would disrupt the education of other children with whom the child would be educated;
OR
3. it will not be an efficient use of the ELB's resources.

The above conditions can be difficult to interpret. For further advice please contact the NDCS.

You can also state a preference for a non-ELB maintained or independent school. However the ELB do not have to agree to this placement if they can provide a maintained school which is able to meet your child's needs. The same three criteria apply (see above) as when naming an ELB maintained school.

If you need further advice about choosing a school for your child or on Part 4 of the statement, please contact the NDCS and ask to speak to a family support worker.

Parts 5 – Non educational needs

If your child has any non-educational needs they should be included in Part 5, eg medical needs.

Part 6 – Non educational provision

Part 6 sets out what support or provision should be put in place to meet the needs in Part 5 and arrangements made for providing them, eg will the health service or social services provide it?

Transport will only be recorded in the statement if your child has particular transport needs.

It is important to note that the ELB does not legally have to provide what is written in Parts 5 and 6.

After a statement is issued - the annual review

Your ELB must review your child's statement within 12 months of making it, and then every 12 months after that. The aim of this annual review is to ensure that your child is achieving the desired outcomes and, if necessary to amend the statement to reflect newly identified needs and provision.

If you would like further information about annual reviews contact the NDCS for a copy of the factsheet *Annual review of special educational needs (Northern Ireland)*.

Don't Forget...

A statement should be specific about your child's needs and what will be done at school, to ensure your child is given the best possible educational opportunities. A statement is like a contract between the ELB, you as a parent, and your deaf child. It should be clearly written and easily understood by everyone. Remember that the ELB has a legal duty to make sure that the provision described in the statement is provided for your child.

For further information contact the NDCS Northern Ireland office.

This information is available to individuals, on request, in large print, audio tape and in Braille.

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