

CHILDREN WITH DISABILITIES STRATEGIC ALLIANCE

The State of SEN Statements

The Case for Specification & Quantification



CDSA

Children with Disabilities Strategic Alliance

materialise or whether large text reading books will be available.

Many of those parents will discover for the first time that their children's Statement is essential to ensure that services to support their child are provided, and that the key to the Statement is that the specification and quantification of the support is written into Part 3.

The principal reason for the production of this report is CDSA's recognition that the statutory process for identification, assessment and provision of services for children with disability and SEN is becoming increasingly operationally deficient,

primarily as a result of a systematic failure to specify and quantify provision in Statements.

The result of this process is that parents cannot tell what their child should be receiving and Statements are not achieving the statutory purpose for which they are intended.

CDSA continues to recognise the importance of specification

“This Statement was achieved after a long struggle, couldn't have done it without your support” Parent comments to SENAC.

1 Statistics from the Children's Law Centre CHALKY Line. Total number of SEN enquiries over the past 5 year period: 2009 = 217, 2010 = 241, 2011 = 327, 2012 = 359, 2013 = 384 Note: The statistics for each year are calculated from January to December inclusive. There is increasing service demand year on year and this is predicted to continue into 2014.



The Issue: Current Practice

The legal entitlement to the education provision set out within a Statement provides an incomparable opportunity to put in place the resources, interventions and specialist support that would not be available to the child without a Statement.

“...our main concern is everything in the Statement is very general and open ended, this concerns us as this is a pivotal opportunity to get the core help that can deliver for my child” Parent.

The Statement is drawn up following a rigorous statutory assessment process which identifies in detail the individual needs of the child. This process is currently completed within 18 weeks and the draft Statement should be informed by the content and detail of all of the reports compiled by the relevant professionals involved with the child.

The comprehensive nature of this statutory process is to ensure that the content of the Statement is accurate, detailed,



receive. This approach takes no account of the duty to determine individual need and does not comply with the norm of quantification. In contrast, the words “25 hours of 1-1 classroom assistance” do specify the type and quantity of provision that an individual child is entitled to. Being specific in describing provision on a Statement enables parents to understand what their child should be receiving, as well as being clear and legally enforceable if there is a failure to provide.³

“I received a statement today, I am so grateful for all your help I would not be in this position now if it wasn't for your help.”
Parent comments on help received from SENAC.

³ Morgan J (as he then was) in C, McD & McG at paragraph 18 of his judgment considers that “the statutory purpose of these provisions...is to ensure that parents in particular are able to determine whether the special educational provision required is in fact being delivered”.



Did You Know? The Legal Context

When an ELB decides that a child requires a Statement of Special Educational Needs, it acquires legal responsibility for ensuring that the child receives the provision specified in the statement.

I've always gone to an ordinary school and I was doing really well until they took my physical help away at the beginning of P7. No-one was allowed to help me walk anymore and I ended up sitting in my wheelchair all day at school" Child.

Under **Article 16(3)(b) of the Education (NI) Order 1996**, the ELB has a particular statutory duty to “**specify** the special educational provision to be made” to meet the child’s special educational needs. **Paragraph 1.7 of the Code of Practice⁴** on the Identification and Assessment of Special Educational Needs provides as an “Essential Practice” that statements should be “clear and thorough”. **Paragraph 4.21 of the Code of Practice** provides that statements should “**normally** be specific, detailed

4 'Code of Practice on the Identification and Assessment of Special Educational Needs' (Department of Education: Operative date 1st September 1998) at Para 4.21



- e. Effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

In particular, under the UNCRPD, it is clear that legal obligations towards children with a disability extend to education in the widest sense to ensure that they can attain full inclusion, participation and integration within the general education system and within society in a manner

which enables children to reach their full potential.

The case studies that follow demonstrate that a specific, quantified Statement enables many children with disabilities and SEN to successfully attend school and to experience greater inclusion and participation in school activities as they are guaranteed the level and type of provision necessary to meet their individual needs and to facilitate their inclusion within the school community.



ORGANISATION: Children's Law Centre
TYPE OF STATEMENT: Final
DISABILITY TYPE: Cerebral Palsy
TYPE OF CASE STUDY: No Quantification/
Change following challenge

CASE OUTLINE:

This case involved a grammar school child with a physical disability who required physical help and physical activity, including physiotherapy, to ensure her ability to maintain posture and prevent discomfort so that she could maintain concentration, preserve mobility and to ensure inclusion and full participation at school. CLC represented the parents and child at a full hearing and a review hearing at SENDIST.

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

Physiotherapy categorised as non-educational being placed in Parts 5 & 6. Trust Physiotherapist to visit school once, at the start of the school year.

NOTE: Amendments to the statement were agreed but outside that, three separate written agreements were required to secure the practical daily arrangements mentioned above which were not written into the statement.



ORGANISATION:	Children’s Law Centre
TYPE OF STATEMENT:	Final
DISABILITY TYPE:	ASD, ADHD & Co-Morbid Mental Health Difficulties
TYPE OF CASE STUDY:	No Quantification/ Change following challenge

CASE OUTLINE:

This case involved a primary school child with a very complex interaction of needs. Despite the support of his school and his own excellent academic potential he was struggling to cope with the mainstream environment. He was suffering extreme anxiety and distress resulting in escalating behavioural problems which impacted severely on access to the curriculum and on inclusion. ELB, HSCT and parental reports indicated the need for specific supports including full-time

assistance and supervision which the Board did not transpose into the statement.

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

Insufficient specification and no quantification e.g. provision for “a level of adult assistance”

NOTE: On annual review the ELB, without justification, attempted to remove the quantification of classroom assistance. This was immediately reinstated when the parents challenged the ELB and threatened further legal action.



HOW THE CHILD WAS AFFECTED:

The child's difficulties escalated to the point where he needed psychiatric care. After his educational provision was properly specified and quantified, his situation improved and he is now doing very well at school.

DETAIL OF HOW THE STATEMENT WAS CHANGED:

The addition of 25 hours classroom assistance per week from an assistant trained in ASD; 5 hours supervisory assistance; differentiated curriculum; Occupational Therapy moved out of Part 6 ("Non-Educational Provision") and specified/quantified as 1-1 sessions with review in "Educational Provision" in Part 3 of the statement; provision of an individualised sensory diet; redesign of the IEP.



ORGANISATION: SENAC
TYPE OF STATEMENT: Draft
DISABILITY TYPE: Downs Syndrome/Severe Speech & Language Delay
TYPE OF CASE STUDY: No Quantification

CASE OUTLINE:

Child struggling to learn and progress, no focus or concentration, severe delay in speech and language and could not access the appropriate level of support.

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

General reference of 'access to a more favourable pupil teacher ratio'.

HOW THE CHILD WAS AFFECTED:

Previously a place in a mainstream school was in jeopardy as due to the high level of assistance needed only special placement was offered.

DETAIL OF HOW THE STATEMENT WAS CHANGED:

Changed to include the specific reference to 25hrs classroom assistance and regular speech and language therapy.



ORGANISATION: SENAC

TYPE OF STATEMENT: Draft

DISABILITY TYPE: Autism, Range of complex needs & severe emotional and social difficulties

TYPE OF CASE STUDY: No Quantification

CASE OUTLINE:

Child was out of school due to the nature of difficulties and lack of appropriate support. Statutory assessment had been refused but after intervention from SENAC a new request for statutory assessment was successful. It was evident to all involved that it was critical to receive a strong specific statement to enable the child to successfully return to school. Despite this the draft statement was issued without quantification.

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

No quantification of access to adult assistance.

HOW THE CHILD WAS AFFECTED:

Child had been out of school due to complexity of behavioural and emotional issues and lack of appropriate support. Several incidents had increased the risk to the child's and other's safety at school. For the first time in months the child is now back in school and doing well.

DETAIL OF HOW THE STATEMENT WAS CHANGED:

Final statement included full time 1-1 classroom assistance.



ORGANISATION: National Deaf Children's Society (NDCS)
TYPE OF STATEMENT: Final
DISABILITY TYPE: Hearing Impairment
TYPE OF CASE STUDY: No Quantification

CASE OUTLINE:

Moderate bi-lateral sensori-neural hearing loss. Hearing aids, severe speech and language delay

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

No current Teacher of the Deaf provision was in evidence. Access to specialist equipment. Appropriate level of adult support. Advice and support from Teacher of the Deaf

HOW THE CHILD WAS AFFECTED:

Child was happy in school but parent concerned at the uncertain level of support that the child would receive, including the failure to specify speech and language support.

DETAIL OF HOW THE STATEMENT WAS CHANGED:

Amended following Parental request for Statutory Assessment at Annual Review.

Addition to Teacher of the Deaf Advice.



ORGANISATION: National Deaf Children's Society (NDCS)
TYPE OF STATEMENT: Primary Statement
DISABILITY TYPE: Hearing Impairment
TYPE OF CASE STUDY: No Quantification

CASE OUTLINE:

Bi-lateral Moderate / Severe hearing loss with conductive overlay. Hearing Aids and sign language, significantly delayed speech, expressive speech may be unintelligible to those unfamiliar.

HOW THE STATEMENT WAS QUANTIFIED AND SPECIFIED IN FIRST INSTANCE:

Opportunities to lip read and use sign where appropriate. Access to full time Adult support. Access to Teacher of the Deaf. Daily testing of audiological equipment.



HOW THE CHILD WAS AFFECTED:

Child and family using sign language at home and requested Sign Support at school. Parents did not believe that offer of Sign language was sufficient. Also concerned that Teacher of the Deaf hours were not quantified. Parents and child happy with the decision once the statement was changed.

DETAIL OF HOW THE STATEMENT WAS CHANGED:

Teacher of the Deaf hours were specified. Sign Language support for the child to be provided in the school, including level of sign language qualification.



THE FOLLOWING ORGANISATIONS SUPPORT THIS CALL:





Children with Disabilities Strategic Alliance

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