

Common problems and Model Letters relating to Statements of Special Educational Needs

This resource contains advice and model letters relating to the following:

1. [Ask your LA for a re-assessment of your child's special educational needs.](#)
2. [Ask for a meeting to discuss your child's proposed Statement and express a preference for a school.](#)
3. [Ask for the name of the school on your child's Statement to be changed to another maintained school.](#)
4. [Object to the amendments the LA is proposing to make to my child's Statement.](#)
5. [Ask your LA to arrange an early review of your child's Statement.](#)
6. [Complain when your child is not getting the special educational provision on their statement.](#)
7. [Ask your LA to complete an Annual Review](#)

If your problem does not fit any of these, ring IPSEA to find out about other forms of action.

1. **Ask your LA for re-assessment**

When should I ask?

- If you believe that your child's needs have changed since the last Statement was issued; or
- If you believe that a different kind of help, or more help, is needed, or
- If you believe that your child should attend a different kind of school.

Should I speak to the school and the LA first?

Yes, definitely. Speak to your child's class teacher and the head teacher about your worries. When you write to the LA asking for a re-assessment, explain why you think the current Statement is not good enough.

What if the school offers to write on my behalf?

The Headteacher is able to write and ask for a 're-assessment', but if you do it yourself you can be sure that the request has definitely been made, and you will know when it has been made. However, if the Headteacher is willing, you could ask him or her to write a letter which supports your parental request for a re-assessment.

Who should I write to?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

When will I hear back?

Within six weeks.

Remember: keep a copy of any letter you send and make a note of the deadline for reply on your calendar and ring IPSEA if you don't get a reply after six weeks or if you want further advice.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Request for re-assessment

I am writing as the parent of the above child to request a "re-assessment" of his special educational needs under the 1996 Education Act. (Child's name) has a Statement of Special Educational needs and attends school.

I believe that (child's name)'s special educational needs have changed as follows:

I believe that the provision in Part 3 of the Statement is no longer suitable because

I believe that the school is no longer able to meet his needs because

I understand that you are required by law to reply to this request within six weeks and that if you refuse I will be able to appeal to the Special Educational Needs Tribunal.

Yours sincerely,

2. **Ask for a meeting on the proposed Statement and express a preference for a school**

When should I ask for a meeting?

Within 15 days of receiving your copy of the proposed Statement.

Why should I ask for a meeting?

If you are not happy with any aspect of the proposed Statement or the reports attached. Once you have asked for this meeting the LA cannot finalise the Statement until the meeting has taken place. Make your request in writing, not over the 'phone. In the same letter, tell the Officer which school you want named in the Statement.

Do I have to give details of what I am not happy about?

Not if you don't want to at this stage.

What if the LA will not agree to a meeting?

The LA have to agree to a meeting

Who should I write to?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Request for a meeting to discuss a proposed Statement

I am writing as the parent of the above child to acknowledge receipt of the proposed Statement of Special Educational Needs and to ask for a meeting with the Responsible Officer to discuss it.

Please note that the school we wish to be named on the Statement when it is finalised is school.

Yours sincerely,

3. Ask for the name of the school on your child's Statement to be changed

You use this procedure only for another maintained school (state school) of the same type: either mainstream or special. You cannot use this procedure if you want to change from mainstream to special or vice versa, or to change from maintained to independent.

When can I ask this ?

At any time, as long as it is not within one year of:

the last time you asked

the Statement being finalised

the Statement being amended

your last appeal to the Special Educational Needs Tribunal

Who should I write to ?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

When will I hear back ?

Within eight weeks

Will the LA agree ?

The LA should agree, provided that:

- the school you want is suitable to your child's age, ability, aptitude or to his special educational needs; or
- your child's attendance at the school would not affect the education of other children; or
- your child's attendance at the school would be an "efficient use of resources."

It is important to check that the provision described in Part 3 of your child's Statement can be made at the new school and that there will therefore be no need to change the wording of Part 3 of the Statement. If you are unsure of this, ask the head teacher of the school you want your child to attend and ring IPSEA for further advice.

Remember: keep a copy of any letter you send and make a note of the deadline for reply on your calendar and ring IPSEA if you don't get a reply after eight weeks or if you want further advice.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Request for a change of the school named on a Statement

I am writing as the parent of the above child, who has a Statement of Special Educational Needs and attends school.

I am writing to request a change of the school named on my child's Statement. At present his Statement names school. I would like this changed to school.

I understand that you have a legal duty to comply with this request unless you can show that either:

(a) the school I want is unsuitable to my child's age, ability, aptitude or special educational needs; or

(b) that my child's attendance at the school would affect the education of other children; or

(c) that my child's attendance at the school would not be an "efficient use of resources."

I do not believe that any of these is the case and therefore look forward to hearing back that you agree to this change of school.

Also, I understand that you are required by law to reply within eight weeks of receiving this request and that if you refuse I will be able to appeal to the Special Educational Needs Tribunal.

Yours sincerely,

4. Object to the amendments the LA is proposing to make to your child's Statement

What should I do?

Write to the LA explaining exactly what it is that you are unhappy about with the amendments and ask for a meeting to discuss them.

When should I write?

Within 15 days of receiving the Amendment Notice.

Do the LA have to agree to a meeting?

Yes, they do.

Should I speak to the school about this?

Yes, definitely. Speak to your child's class teacher and the Headteacher about your worries as well as writing to the LA.

What if the school offers to write on my behalf?

It is fine for the school to write as well as you if they believe that the amendments being proposed would not benefit your child. But it is more important that you write, as the parent.

Who should I write to?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

Remember: keep a copy of any letter you send and ring IPSEA if you don't get a reply after four weeks or if you want further advice.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Representations on proposals to amend a Statement

I am writing as the parent of the above child, who has a Statement of Special Educational Needs and attends school.

I acknowledge receipt of your Amendment Notice and wish to request a meeting with an Officer to discuss the changes being proposed. I wish to make the following comments:

(Note: If the Amendment Notice is proposing a change to the school named in Part 4 then you can also express a preference for the maintained school you wish to be named on the Statement.)

I understand that I will be able to appeal to the Special Educational Needs Tribunal if you amend the Statement and I remain unhappy, and I hope that by meeting to discuss this matter we will be able to avoid involving the Tribunal.

Yours sincerely,

5. **Ask your LA to arrange an early review of your child's Statement**

When can I ask for an early review?

At anytime, as long as you have a good reason. The LA must arrange a review of the Statement at least once every year. But if you believe that there is an urgent need for a change to your child's Statement you should ask for a review to be arranged as soon as possible.

What would be a good reason for asking for an early review?

You should ask for an early review if you believe:

- that your child's needs have changed and are no longer accurately described in Part 2 of the Statement; or

- that the provision in Part 3 of the Statement is no longer meeting your child's needs.

Should I speak to the school first?

Yes, definitely. Speak to your child's class teacher and the Headteacher about your worries as well as writing to the LA.

What if the school offers to write on my behalf?

It is fine for the school to write as well as you if they believe that an early review is needed. But you should also write, as the parent.

Who should I write to?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

Remember: keep a copy of any letter you send and ring IPSEA if you don't get a reply after four weeks or if you want further advice.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Request for an early review of a Statement

I am writing as the parent of the above child, who has a Statement of Special Educational needs and attends school.

I would like the LA to arrange an immediate review of the Statement. My reasons for making this request are:

I look forward to an early reply.

Yours sincerely,

6. **Complain when your child is not getting the special educational provision on their statement**

How do I know what my child should be getting?

This should be 'specified' in Part 3 of the Statement.

Do the LA have to "arrange" this help?

In law, the LA must "arrange the special educational provision" specified in a Statement.

When should I complain ?

If you discover that your child is not getting the special educational provision specified in Part 3 of the Statement or that the provision is being removed or reduced without the Statement being amended.

Should I speak to the school about this?

Yes, definitely. Speak to your child's class teacher and the Headteacher about your worries as well as writing to complain to the LA.

What if the school offers to write on my behalf?

It is OK for the school to write as well, but the most important thing is to write yourself. You, as a parent, are the only one who can take legal action in order to ensure that your child receives the provision specified in her Statement. The head can't do this, even if he or she wants to!

Who should I write to?

Write to the top person at the LA, usually called the Chief Education Officer or the Director of Education. You can find out what the top person is called in your LA by asking at the school or the local library.

Remember: keep a copy of any letter you send and ring IPSEA if you don't get a reply after two weeks or if you want further advice.

Model letter

Dear Sir or Madam,

(Child's name) (date of birth)

Complaint that special education provision is not being made

I am writing as the parent of the above child, who has a Statement of Special Educational needs and attends school.

Under Part 3, the Statement specifies the special educational provision my child should receive and I understand that you have a legal duty to "arrange" this provision.

I am sorry to have to inform you that you are in breach of this duty, on the grounds that the following provision is currently not being made:

Please reply to this letter as soon as possible, but in any event within 5 working days of receiving it, confirming the steps that you will take to ensure that the special educational provision specified in my child's Statement will, in fact, be made.

I look forward to an early reply and trust that it will not be necessary to take this matter further.

Yours sincerely,

7. Asking the LA to complete the Annual Review

Following an Annual Review the LA has only three choices as to the decision it can make:

To amend the Statement;

To cease the Statement;

To leave the statement as it is

There can be resistance from LA's to writing to parents to confirm the third choice, as it is a choice to do nothing. But receiving written confirmation is important as the

parent has a right of appeal in this circumstance. It may be necessary, if the Annual Review meeting has taken place and after a reasonable period of time (say one month in normal circumstances but the period could be less if the Annual Review was held in emergency circumstances such as an exclusion), the parent should write to the LA asking them to confirm the position.

Model Letter

Dear Chief Executive/Director of Children's Services

[Child's name and date of birth]

Potential breach of duty under s328 Education Act 1996

[Child]'s statement of special educational needs was the subject of an annual review meeting held on [date] but we have had no decision in writing from your authority.

Section 328 of the Education Act 1996 states the obligations of a local education authority with regard to the time limit when reviewing a statement:

- (5) A statement under section 324 shall be reviewed by the local education authority-
- (a) on the making of an assessment in respect of the child concerned under section 323, and
 - (b) in any event, within the period of 12 months beginning with the making of the statement or, as the case may be, with the previous review.

Regulation 20 of The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 sets out the procedure in detail, making clear in paras 13 and 14 that the review is complete only when the authority records its decision in writing:

- (13) The authority shall review the statement under section 328 in light of the report and any other information or advice which they consider relevant, record in writing their decisions on the matters referred to in paragraphs 9(a) and (b) and, where a transition plan exists, shall make written recommendations for amendments to the plan as they consider appropriate.
- (14) The authority shall within one week of completing the review under section 328 send copies of their decisions and recommendations to: (a) the child's parent; (b) the head teacher, and (c) any other person to whom the authority consider it appropriate.

As [child's] current statement is dated [date on statement] it would appear to me that the authority was obliged to comply with the legal requirement above by [latest date in annual cycle].

I therefore expect to receive a letter from you with your decisions and recommendations as soon as possible and in any case within 5 working days. As you are no doubt aware, there is now a right of appeal for parents following the review of a statement so I will expect to be made aware of my right of appeal to SEND in the letter you issue. If, however, you delay in issuing the letter, I will regard this as frustrating my right of appeal and seek immediate legal advice.