

Is parental consent required when screening or assessing a child?

Very occasionally, teachers raise the issue of whether parental consent is needed before a pupil can be screened or assessed with Lucid's software. Our understanding of the current legal position is as follows.

1. Assessment and screening, provided they are for the purposes of helping to identify children's learning needs or evaluating their progress, are part of the normal everyday activities of education that are positively encouraged by DfES (and its equivalents in Scotland, Wales and Northern Ireland) and hence there is no general requirement to obtain parental consent before carrying out these activities. The method being used (conventional paper-based, computer-based, or activity-based) is immaterial as long as the child is not being harmed or subjected to unreasonable stress.
2. Although there is no general requirement to obtain parental consent, the **discretion** whether or not to consult parents before assessing or screening any pupil ultimately rests with the head teacher. The head teacher may wish to formulate a school policy on this matter, or may decide to delegate the decision to the SENCo or to the class teacher. In Scotland it is likely that the education authority will have a relevant policy.
3. However, where **special educational needs** ['additional support needs' in Scotland] are concerned, there are general requirements to involve parents in the process and to keep them informed. In England, Wales and Northern Ireland these requirements are covered by the provisions of the SEN codes of practice, and in Scotland by the *Supporting Children's Learning Code of Practice*. All these codes of practice strongly advocate a partnership with parents of children with SEN. As far as assessment is concerned, the implication of the codes of practice is that if the teacher or school has already identified a pupil as having SEN [or 'additional support needs' in Scotland], then the parents should be consulted and told that the school intends to assess the child. But if the purpose of the screening or assessment is to establish whether or not a child has SEN [or 'additional support needs' in Scotland], or is part of a routine screening or assessment programme, then there is no specified requirement to consult the parents beforehand.
4. The codes of practice include various provisions that are relevant, or potentially relevant, to parental involvement. In England, Wales and Northern Ireland the codes place a duty upon governing bodies of schools, in cooperation with the head teacher, to formulate an **SEN policy** for their school, which will include procedures for **identifying and assessing pupils with SEN** [*SEN CoP England* 1:39; *SEN CoP Wales* 1:48; *SEN CoP Northern Ireland* 2:3]. In Scotland, the *Education (Additional Support for Learning) (Scotland) Act, 2004*, requires education authorities to publish arrangements for identifying additional support needs [*CoP Scotland*, 3:27]. Schools must tell parents when they first identify that a child has SEN [*SEN CoP England* 2:10, *SEN CoP Wales* 2:10] and in Scotland education authorities must ensure that parents of children with additional support needs understand and agree to the aims of any assessment of their child [*CoP Scotland* 3:2].
5. The importance of **early identification of SEN** is stressed throughout the codes of practice. For example, the *SEN CoP England* states "The importance of early identification, assessment and provision for any child with special educational needs cannot be over-emphasised." [5:11]. It goes on to advocate, among other things, the use of "standardised screening or assessment tools" [5:13].
6. Taking into account the foregoing legislation and regulations, it is Lucid's view that all schools would be well advised to formulate and publish to parents a policy along the lines of the following. "The policy of this school is to endeavour to identify, assess and provide for all pupils with special educational needs [or additional support needs] as early as possible. Our strategies for achieving this include use of a variety of screening and assessment methods. If pupils are identified as

having, or are suspected of having, special educational needs [or additional support needs] parents will be informed and involved in decision-making processes concerning the provision of appropriate support.”

References

Special Educational Needs Code of Practice. London: Department for Education and Skills, 2001.
http://www.teachernet.gov.uk/_doc/3724/SENCodeOfPractice.pdf

Supporting Children’s Learning Code of Practice. Edinburgh: Scottish Executive, 2005.
<http://www.scotland.gov.uk/Resource/Doc/57346/0016754.pdf>

Special Educational Needs Code of Practice for Wales. Cardiff: National Assembly for Wales, 2004.
http://www.learning.wales.gov.uk/scripts/fe/news_details.asp?NewsID=1206

Code of Practice on the Identification and Assessment of Special Educational Needs for Northern Ireland. Belfast: Department for Education Northern Ireland, 1998. http://www.deni.gov.uk/the_code_of_practice.pdf

Supplement to the Code of Practice on the Identification and Assessment of Special Educational Needs for Northern Ireland. Belfast: Department for Education Northern Ireland, 2005.
<http://www.deni.gov.uk/supplement.pdf>

Please note that the information contained in this document is believed to be correct at time of going to press.