



Analysing a Proposed (Draft) Statement

If, after carrying out a Statutory Assessment, the Local Authority (LA) agrees that your child needs a Statement of Special Educational Needs, they will send you a **Proposed Statement** – this is a draft copy of the document they intend to finalise.

Attached to the Proposed Statement, will be copies of all the reports that you and the professionals wrote about your child, **these are called the Appendices.**

From the date the Proposed Statement was sent to you (written on the letter that comes with it) you have **15 days to respond to the LA** with your thoughts and comments. You can always ask for a short extension of an additional 15 days if you need it. Do this in writing)

It is very important to make sure the Proposed Statement is accurate, describes all your child's needs, and offers appropriate provision for those needs. The statement should be clear, so that anyone who might work with your child, such as a supply teacher, can clearly understand his/her needs as they may not have time to read all the attached reports.

To ensure that all the important information contained in the reports is recorded in the statement, you might want to 'analyse' the proposed statement. One way to do this is as follows:

You will need a range of different coloured highlighter pens

Begin by reading through the proposed statement and then read all the reports (appendices). This will give you a general 'feel' of the statement, and if it reflects the information contained in the reports.

The statement is broken down into six parts:

Part One: Personal details. Check all the details in this section are correct, e.g. Name, date of birth, address, contact numbers etc.

Part Two: This is the section that should describe in detail your child's difficulties and needs. It is important to ensure that all your child's difficulties are described clearly and thoroughly.

Part Three: This part specifies (sets out) the objectives and the provision which should be made by the school to meet your child's needs. It is divided into three



sections:

- a) Objectives (what your child needs help with)
- b) Provision (what should be put in place/used to help meet the objectives)
- c) Monitoring (how the statement will be checked/updated and who will be involved)

Part 5 and 6: describe any needs and help which are not educational. These could be Health or Social needs and provision.

NB-There is no duty on the LA to provide any help which is written in these parts so the most important thing to check whether the difficulties:
in Part 5 should be in Part 2 and whether the support in Part 6 should appear in Part 3 of the statement

Remember, LA's must make sure legally that the help in Part 3 is given. If this is not provided you can complain to the Ombudsman

Does the statement contain all the appropriate information about my child's needs?

The LA SEN Caseworker who writes the statement often extracts important information from the professionals' reports and includes them in the statement. Therefore, you will often see the same information in both a report and the statement. *This allows you to carry out a 'cancelling out' exercise.* Or add them to the analysis sheet attached. Use a different coloured highlighter for each report. For example, pink for Educational Psychologist report, blue for the School report, etc.

SNAP Cymru would recommend that you start with the Educational Psychologist report. Read the statement and report together to see which bits are the same. When you find two matching bits of information, highlight them both on the statement and on the report – 'cancelling' them out or add to the analysis sheet. In this way, you know that the information in the report is included in the statement. Once you have done this with every report – using a different colour for each – the statement should be fully coloured in.

Next, re-read the reports paying close attention to the information that has not been highlighted. If information has not been highlighted, it may have been worded



slightly differently in another report, or it may have been missed out of the statement. You can then decide whether you consider this piece information to be important and whether you would like to ask for it to be included in the statement. If you think it is important to have this information in the statement, make a note of it including which report it is in, and which page it is on. You can then use this information to write to the LA to ask for changes to be made.

Sometimes a proposed statement can be vague or hard to understand. Does it use words such as:

- Opportunities for...
- Regularly...
- Access to...
- Frequently...

It is very important that the statement says how much help your child will get and how often. These vague words leave it open to interpretation and can make it harder later on to ensure your child is getting the help. **The wording used in the statement should be specific and the provision should be quantified.**

Please note that the LA is only likely to agree to add information that is already set out in one of the reports.

If you think that the wording in a report is not specific enough, you can ask for a meeting with the LA and the person who wrote the report, and ask if the wording can be changed.

Why is no school named on the proposed statement?

The law says that when a parent is sent a Proposed Statement it will not name a school. This is because you have the right to **'state your parental preference'** (say which school you would like your child to attend). The LA has to consider your preference of school, but they don't have to agree with you. See the SEN Code of Practice for more detail.

The majority of children who have a statement attend their nearest mainstream school, which is often the school they already attend. A statement may bring additional resources to help the school to meet the pupil's special educational needs.



Can I ask for an independent (private) school?

The law does not allow you to express a preference for an independent (private) school, but does allow you to **'make representations'**. This means that you can make a case to the LA about why an independent school might be the best place to meet your child's needs. However, the LA does not have to agree to your request if it feels the needs can be met in one of its own schools.

What happens next?

Once you have made your views known to the LA they will consider the changes you have asked for and, if they agree with the changes, they will send you an Amended Proposed Statement. If you are still not happy, continue to talk to the LA until you are happy for the final statement to be issued. Remember a SNAP Cymru independent supporter who has training in education law can help you with these negotiations.

The final statement must be issued by the LA within 26 weeks of the request for assessment. (Unless there are good reason for not doing so- this might be personal unavoidable reasons or awaiting a vital report and everyone is in agreement that the delay is appropriate)

If you cannot get the LA to agree to the changes you want, or to the school you want named in Part 4, it may be best to ask the LA to issue the final statement, so that you are able to appeal to the First Tier Tribunal - Special Educational Needs & Disability Tribunal Wales (SENTW) – you cannot do this without a final statement.

You may also want to use **SNAP Cymru's disagreement resolution** service where an independent, trained mediator will facilitate a formal session to try and resolve outstanding concerns. This process can be very positive and does not impact on your right to appeal to SENTW.

NB- An appeal to SENTW must be made within two calendar months of the date on the LA letter that comes with the final statement.

For further information contact SNAP Cymru on 0845 120 37 30 or see our website www.snapcymru.org for further independent advice, template letters etc