

LEWISHAM PARENT PARTNERSHIP SERVICE

THE FINAL STATEMENT

After an assessment, the Local Authority (LA) will decide if your child needs a Statement of Special Educational Needs. The LA will send you a 'Proposed Statement'. The LA will give you 15 days in which to respond to the Proposed Statement. They will then send you the 'Final Statement'

The Final Statement is the final version of the Statement that will set out the Special Educational Provision that the LA thinks your child needs.

It is vital that the Final Statement covers all of your child's needs and offers appropriate provision for those needs.

This information sheet will explain more about the Final Statement and the steps you can take to have it changed if you are not happy with it.

Looking at the Statement

- The Final Statement will look very similar to the Proposed Statement that you will have received a few weeks earlier.
- As with the Proposed Statement, the Final Statement will contain the reports and advices given to the LA by yourself and anyone else who was involved with your child. These should be exactly the same unless you asked for other reports to be included.
- You may have written to the LA in response to the Proposed Statement that you received.
- You will now need to compare the two documents to see what changes have been made by the LA.
- Go through each part of the Statement line by line and compare the two documents to see what has changed.
- You could make copies of each document and highlight the differences on each to make them clearer to you.
- You should look at the Final Statement and the changes that you asked the LA to make to the Proposed Statement. Have they made all of the changes that you have asked for? Have they made the changes but worded them differently from the way that you wanted them worded?

Lewisham Parent Partnership Service
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Are you happy with the Final Statement?

- Now that you have highlighted all of the changes that have been made you need to decide if you are happy with the Final Statement.

Part 1

- This part contains the personal details for you child. If there are still any problems or mistakes in this section a quick call or letter to the LA will normally resolve any issue.

Part 2

- This section describes in detail your child's special needs. If there are changes that you wanted that have not been made, you need to decide if you are happy or not with the form it is in now.
- Is it an accurate and detailed enough description of your child? Would you be happy that people reading this would get a clear idea of what your child was like and what to expect from him/her?
- Does the part clearly list all of your child's needs? Remember that part 3 of the Statement relating to the provision for your child is directly related to the needs listed in part 2. If the need is not described in part 2, no provision can be given for it in part 3.

Part 3

- This part describes the provision to meet the needs of your child that were described in part 2. As with part 2 you need to decide if you are happy with what is described in part 3.
- Is the provision described specific and quantified? Does it say for how long your child would have extra sessions? How frequently the specialist support would come in to the school?

The SEN code of Practice states:

'A statement should specify clearly the provision necessary to meet the needs of the child. It should detail appropriate provision to meet each identified need. It will be helpful to the child's parents and teachers if the provision in the sub-section is set out in the same order as the description of needs in part 2.' (Section 8:36)

Also,

'...Provision should normally be quantified (e.g. in terms of hours of provision, staffing arrangements) although there will be cases where some flexibility

should be retained in order to meet the changing special educational needs of the child concerned...’ (Section 8:37)

Some pointers to remember:

- ‘Regular’ – this is not as specific as it first sounds. Christmas is regular and yet only happens once per year. You could ask for this to be more specific – exactly how often do you want it to happen.
- ‘Access to...’ – again this may not guarantee your child will have it all the time. In relation to support you could ask for the actual number of hours to be specified. E.g. instead of ‘access to an LSA during the whole school day’ you could ask for how many hours support you want your child to have to be specified.
- ‘The chance to...’ – this does not guarantee that your child will get that provision. It guarantees that they get a chance to have that provision. If you were not happy with this you could ask for it to be re-worded to guarantee that they would do it.
- ‘Frequent’ – again this is not specific. You could ask for how often something is to happen to be specified. Do you want it termly, monthly, weekly etc?
- ‘Opportunities’ – do you want your child to have the opportunity to have the provision? If your child is unco-operative the school may not have to provide the provision as they have given your child the ‘opportunity’ to have it but your child refused. Do you want this re-worded to have a more direct responsibility on the school so that they have to provide it?
- Remember that anything that you ask for your child to have, you would need to back up with evidence from the reports in the Statement.

Part 4

- Part 4 describes the placement or the school that your child will go to. This will have been blank in the Proposed Statement but will be filled in now for the Final Statement.
- Before the Final Statement was sent out, you should have been asked by the LA where you want your child to go to school.
- The LA will take your view into account when deciding what school to name in the Statement. They may, however, feel that a different school from the one that you want is a more suitable place for your child to attend to have their needs met.
- If a different school is named in the Final Statement you will need to decide if you are happy with that school. If you haven’t already done so, visit the school named and find out as much as you can about it.

Parts 5 and 6

- These parts of the Statement describe the non-educational needs (part 5) and the non-educational provision to meet those sections does not have to be legally carried out by the LA. As they are 'non-educational', the LA does not have any legal power to enforce them if they are not carried out.
- You need to decide if you are happy with what is in these sections. Do you feel that they are in fact educational and you want them in Parts 2 and 3 instead?

What do I do if I am happy with the Final Statement?

- If you are happy with the Final Statement you do not have to do anything extra. The LA will send a copy of the Statement to the school that your child is or will be attending. The school and the LA between them have to make sure that everything that is in the Statement is carried out.

What do I do if I am not happy with the Final Statement?

- If you are not happy with the Final Statement there are a number of things you can do.
- The first thing you should do is to contact the LA to discuss the points that you are not happy with. The LA may not have realised that you were unhappy with a point or an error may have been made that can be quickly amended to resolve your issue.
- Call or write to the LA to tell them your concerns.
- If the issue is not resolved straight away, you can ask to meet with the SEN Casework Officer who wrote your child's statement.
- When you meet with the Casework Officer you can take a friend or a member of your family with you. You can also request the support of a Parent Partnership Officer from the Lewisham Parent Partnership Service.
- Discuss the concerns that you have with them and ask them why the Statement has not been changed to the way you want. Their explanation may help you understand how the support will work and that may resolve your concerns.
- The discussion may also lead to agreement between you that the Statement may be changed, but in a way that is different from what you first wanted and different from how the Caseworker first wrote it.
- Again make sure that you are happy with the changes and how they would work for your child.

- If meeting with the Casework Officer does not resolve your concerns and the LA refuses to change the Statement to what you want, you then have a right of appeal to an Independent Tribunal (SEND – Special Educational Needs and Disability Tribunal).
- You have a time limit of 2 months to appeal to the Tribunal from the date you receive the Final Statement.
- Always remember this when you are discussing the Statement with the LA, to make sure that you do not lose your right of appeal by going past the time limit.
- If you are in discussion with the LA but are not sure you will resolve the dispute and your time limit is near, you can still appeal. If after you make your appeal, you agree with the LA you can withdraw your appeal at any time.
- For further information on appealing to SEND please see separate sheet on how to appeal.
- Another way to try to reach agreement is to ask for Mediation. In this situation both you and the LA would meet with an independent trained mediator from the London Resolution Service who would try to help you reach an agreement that you are both happy with. There is no charge to you for this service.
- For further information on Mediation please contact Lewisham Parent Partnership Service or the LA.
- Throughout your discussion and negotiations, try to keep in mind that everyone involved is doing what they think is most suitable for your child. Although the LA may not agree with your view, they have made their decision based on what they think is best for your child.

Further information

Special Education Needs Code of Practice 2001

To obtain a copy telephone: 0845 60 222 60 Ref: DfES 581/2001

Advisory Centre for Education (ACE): www.ace-ed.org.uk

Advice line: 0808 800 5793

Parent Partnership Service: Independent information, advice and support for parents of children with Special Educational Needs. Contact details below

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