

# Statements of Special Educational Needs

If following a statutory assessment, the LEA decides that a child requires support above that which is provided from within resources in school, a Statement of Special Needs should be issued. Statements of special educational need to follow the detailed guidance for making and maintaining of statements (including reviewing, amending and ceasing at the appropriate time) as set down in the Special Educational Needs Code of Practice. See also the SEN Toolkit Part 7 Writing a Statement of SEN'. It is important that the Statement is specific and identifies all the child's needs and matches the needs to detailed provision.

## Statement Format

Schedule 2 of the SEN Regulations provides a model format for a Statement.

It should be clear whether it is a proposed statement, a final statement or an amended statement. The process of issuing a statement is laid down by the Education Act 1996 and the rules governing the management of all maintained schools. The Code of Practice on SEN also dictates that the statement must "follow the format and contain information prescribed by the regulations (Code of Practice 8:29 – see schedule 27 Education Act 1996 and the Education Regulations 2001).

The statement should follow this format:

- **Part 1: Introduction**  
Personal details including parental responsibility and religion;
- **Part 2: Special Educational Needs**  
As identified through the statutory assessment;
- **Part 3: Special Educational provision**  
To meet the needs and should include:
  - a) Objectives;
  - b) Provision; and
  - c) Monitoring Arrangements;
- **Part 4: Placements**  
Type and name of school and arrangements for provision otherwise than school;
- **Part 5: Non-Educational Needs**  
As agreed by health, social services or others;
- **Part 6: Non-Educational Provision**  
Details of all relevant non-educational provision and should include arrangements for these.

Signature of LEA Officer and date.

For further details and advice on how statements should be written, see **Code Of Practice 8:29 and Section 7 of the SEN Toolkit: Writing a Statement of Special Educational Needs.**

## Appendices:

All the advice obtained and taken into consideration during the assessment process must be attached as appendices. This must include:

- Parental evidence;
- Educational advice;
- Medical advice;
- Psychological advice;
- Social Services advice;
- Any other advice, this can be the views of the child, armed forces education service (SCE).

## Statement Content

The Education (Special Educational Needs) (England) (Consolidation) Regulations 2001 say that a statement must specify:

- a) facilities and equipment that are appropriate.
- b) modifications (if any) to the application of the National Curriculum.
- c) exclusions from the application of the National Curriculum in detail, as well as proposed provision that may substitute for any exclusion in order to maintain a balanced and broadly based curriculum.
- d) where residential accommodation is appropriate (Code of Practice 8:35).

**Note:** A pupil does not require a statement in order to benefit from any concessions that an Examination group might grant to a pupil with special educational needs.

It should be explained to parents that whilst Parts 2, 3, and 4 of the statement are legally binding on the LEA, Parts 5 and 6 are not and that there is no right of appeal to the Special Educational Needs and Disability Tribunal about these sections (**Code of Practice 8:47**).

### **Implementing a Statement**

The governing body and the Headteacher are largely responsible for what goes on in schools but it is the legal responsibility of the LEA to ensure that a Statement is properly carried out. When a Statement is made the LEA ensure that the school has a 'responsible person' (usually the Headteacher) who is informed. It is the duty of this 'responsible person' to then make sure that all who teach the child knows the child's special needs.

A Statement should not be shown to any unauthorised person without the consent of the child or parents. Statements should be stored carefully in order that unauthorised people do not have access to them.

### **Those authorised to see a statement include:**

- Anyone who, in the LEA's opinion needs to see it in the interest of the child e.g. teachers, school governors, therapists;
- Members of a tribunal if parents appeal;
- If parents complain under the 1996 Education Act - The Secretary of State;
- Anyone whom a court order discloses to or for the purpose of any criminal proceedings;
- An authority carrying out duties under the Disabled Persons (Services, Consultation and Representation) Act 1986 or under the Children Act 1989;
- The Ombudsman;
- OfSTED teams;
- A Young Offender Institution;
- An education researcher who the LEA believes may advance the education of SEN (access will be conditional on researchers not publishing anything from the statement which would identify the individual or parents). (SEN Regulation 24)

### **The Proposed Statement**

The LEA must provide a proposed complete statement, except for Part 4. A proposed statement should not give details of where the special provision should be made. It is the duty of the LEA to send a copy of the proposed statement with the appendices to the child's parents and to everyone who submitted advice. The proposed statement should give information on the arrangements for choosing a school and the right to make any representations relating to the content of the statement. The right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST) as well as details of time limits to appeal should always be given (Code of Practice 8:54-8:56).

### **Time Limits**

On receipt of the proposed statement parents have a right to state a preference for their chosen school. It must also be explained to parents that they have the right to raise any other issues relating to the content of the statement.

A final statement must be issued within eight weeks. Exceptions to this can be found in the Education (special Education Needs) (England) (Consolidation) Regulations 2001 appended at Annex A (Code of Practice 8:57).

### **Amendments**

Following the Annual Review the statement may be revised. Wakefield LEA always issues a new statement if changes are required. A draft amendment will be issued followed by a new statement providing the changes are agreed. Parents are given the same opportunities to appeal if they do not agree with the proposed changes.