

Tribiwnlys Anghenion
Addysgol Arbennig Cymru



Special Educational
Needs Tribunal for Wales

Special Educational Needs

I have made an Appeal, How do I prepare a Case Statement?

A guide for parents

This booklet may also be helpful to children and their case friend, if they have one.

If you would like to find out more about how children can make their own appeal, please ask us for a copy of our Information Pack and Forms for Children, Parents and Case Friends.

Helpline: 0300 025 9800

Email: sentw@wales.gsi.gov.uk

Website: <http://sentw.gov.wales/>

This document is also available in Welsh. Please contact the Tribunal for a Welsh version of this document.

Language Preference

SENTW welcomes receiving correspondence in Welsh or English. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding. The Tribunal also welcomes phone calls in Welsh or English.

You may submit forms, documents, and make written representations to SENTW in Welsh or English

About this guide

This leaflet should be read with our guidance booklet, **How to make an appeal**. If you do not have a copy of our booklet please ask us for one.

The aim of this leaflet is to provide helpful information about preparing a case statement, where a Special Educational Needs appeal has been made to SENTW.

We cannot cover everything that would be useful for every appeal.

Also depending what your appeal is about you may only have to send some of the information mentioned in this leaflet.

You should contact SENTW if you have any questions about the process. We cannot give legal advice or help with preparing an appeal.

If we have already received information with your Appeal Application you do not have to tell us again.

Who is this guide for?

This guide is for parents who have made an appeal to SENTW.

Overriding Objective and Obligation to Co-operate

The Tribunal's overriding objective is to deal with cases fairly and justly. It is the Tribunal's expectation that parents, representatives, Local Authority officers and responsible bodies, will help further the overriding objective by co-operating with each other and the Tribunal for the purposes of progressing the appeal or the claim.

Telling us about your case

You have two chances to tell us about your case. First in writing, before the hearing of your appeal and, secondly at the hearing.

Before the hearing, you must send us a written case statement. This is to give us your views about the appeal and the facts. At the same time, the Local Authority (LA) will send in their own case statement. The members of the tribunal panel will consider both at the hearing.

After the deadline for the case statements, we will make sure that you and the LA see each others case statement. We will give you and the LA a page-numbered set of papers. You will need to bring these to the hearing.

At the hearing, you and any witness you bring will have a chance to give your views about the appeal and explain the facts to the tribunal panel.

The evidence you send us before the hearing and what you say on the day are equally important. The Tribunal's decision can only take into account the evidence you and the LA give to us. If you want the Tribunal to take account of something, make sure that it is in the evidence.

Sending us evidence

When preparing your case statement please help us by ensuring:

- where possible, papers should be single-sided A4 copies and not stapled,
- papers should be in black and white. We cannot make colour copies so we suggest that you make a photocopy of any booklets, such as a school prospectus, and send this in,
- please do not add your own page numbers,
- please include a contents list for all reports and evidence you are submitting with your case statement, for example: Educational Psychologist's report dated 5 March 2012.
- please do not send originals, only photocopies of the originals

Time limit for case statements

There is a strict time limit by which we must receive your case statement and any other evidence. We'll tell you when this is. Normally you have 30 working days.

There are restrictions on the admission of evidence that is received after the deadline for case statements has passed.

Sometimes, people want to send us videos, recordings and photographs. The same time limit applies to sending them in, but please send us five copies of any recording and photograph. Please only send us video and audio material on DVD and CD formats. You should try to keep recorded evidence as short as possible.

Please also note that we cannot, for data protection issues, accept evidence that contains information, recordings or pictures of children other than your own.

What the Tribunal's regulations require

You must submit a case statement and any evidence you intend to rely on so that it is received in SENTW's office before the end of the case statement period.

Your case statement must include:

In all cases where the **appeal has been made by the parent of the child:**

- the views of the child on the issues to do with the appeal, **or**
- the reasons why the views have not been provided.

Where the **appeal has been made by the child or the child's case friend:**

- the views of the child's parent on the issues raised in the appeal, **or**
- the reasons why the views have not been provided.

It is a requirement of the Tribunal's regulations that the views of the child or the parent, depending on who has made the appeal, are provided. **The tribunal panel will expect this information to be included in your case statement unless there is a good reason for not doing so.**

Information that we need you to tell us about

Depending what your appeal is about we may need to know about:

- **Special Educational Needs**
 - What special educational needs does your child have?

- What has already been done to help? Who has given the help (for example, a teacher, an assistant or a therapist) and for how long?
 - What progress has your child made? If there have been earlier assessments or test results before the most recent ones, please send us copies.
- **School**
 - What school subjects or activities does your child find difficult? Are there others he or she is good at?
 - What special help is your child receiving at the moment? Does a teacher or an assistant support them? If so, for how long and in which subjects?
 - If your child has been taken out of the class for small-group or individual teaching, who does that teaching, what subjects are they taught and what is the aim of the teaching?
 - Does your child use any special equipment?
 - Does your child have an individual education plan (IEP)? If they do, please let us have a copy of it. Copies of earlier plans will also be useful.
 - What does the school say about your child's progress? Copies of school reports, notes of annual review meetings and SATs results can help us.
 - How many pupils are there in your child's class?
 - How many adults look after the class?
- **Medical**
 - Does your child have a medical condition that affects his or her education? If they do, how does it affect their education?
 - Have the doctors said that the effect on their education is likely to change? If so, in what way?
- **Therapy (speech and language therapy, physiotherapy, occupational therapy and so on)**
 - Has your child already been having therapy? Please let us have copies of any professional reports or assessments.
 - What changes do you want in your child's therapy?
 - How do you expect the therapy to help?
 - What have therapists said about your child's progress and the therapy he or she should have in the future?
- **Changing schools**
 - How will the education provided by the school you suggest particularly suit your child?
 - Why do you want him or her to go there, rather than to another school?
 - Does the school specialise, or have experience, in teaching children with the disability or learning difficulty your child has?
 - Does the school teach the full National Curriculum?
 - What size class would your child join? How many adults look after the class?
 - If your child would live at the school, is there an educational reason for that?
 - Unless the school is a maintained school, what is the cost of a place there?
 - How long would it take to get to and from school, and what would it cost?
 - To make sure we have as much information as possible about the school of your choice, please send us a copy of its prospectus.
- **Education at home**
 - Why would it be better for your child to be educated at home, rather than at school?

- What detailed arrangements are you suggesting?
- How much would they cost?

Late Written Evidence

Written evidence that is submitted after the deadline for case statements is called late written evidence. There are restrictions on the admission of late written evidence.

You can ask the Tribunal panel on the day of the hearing whether the late evidence can be admitted. The Tribunal panel will consider your request so long as:

- both parties agree to the admission of the late written evidence; OR
- you can show that the late written evidence meets the following conditions:
 - the late evidence was not, and could not reasonably have been, available before the end of the deadline for the case statement; and
 - a copy of the late evidence has been sent to SENTW and the other party so that it is received at least 5 clear working days before the hearing.
 - The tribunal panel may only admit the late written evidence after considering any representations from the other party and only if the evidence is unlikely to impede the efficient conduct of the hearing.
 - If the conditions are not met, the tribunal panel may still give permission to a party to submit late written evidence at the hearing if it can be shown that unless the evidence is admitted there is a serious risk of prejudice to the party seeking to rely on it.

The tribunal panel may refuse to admit late written evidence if it is of the view that to do so would be contrary to the interests of justice.

If the late written evidence has not already been copied to SENTW and the other party so that it is received at least 5 clear working days before the hearing, you should bring 5 copies of the late written evidence with you to the hearing.

Reaching agreement

Appeals only reach us if you disagree with the Local Authority's decision, but it is quite in order for discussions between you and the Local Authority to continue taking place after an appeal has been made. It would be helpful if you told us about any parts of the appeal that you and the Local Authority have been able to resolve after we have received the appeal.

The hearing

We will write to you, usually after we have received case statements to let you know the date when the hearing will take place.

The hearing will usually take place in a hotel no more than a couple of hours travelling distance from where you live.

Hearings usually start at 10:00 in the morning and often take all day. You should aim to arrive at least 30 minutes before the hearing is due to start.