

Appeals Process - Position Statement OR Chronology List / Timeline

A **position statement** is a useful document which you may choose to write (it is not obligatory unless ordered by the court) in preparation for a court hearing. As the name implies, it is a written statement setting out your 'position', which at a first directions hearing, should briefly setting out what it is you want the court to do, and why. At later hearings, position statements can also be useful to give both the court and the other party to proceedings pre-warning of any change in your 'position' (e.g. what you want to happen).

Position statements are useful for the court, in that they give the court a brief outline of your position in advance of the hearing. For yourself, they ensure there is a written record of your 'position' at that time, ensuring points don't get forgotten in the stress of proceedings. They may help bring a case to an early conclusion if the other party accepts your position. It can be used to give you a brief plan of what you want to achieve at the hearing.

A position statement should be brief - ideally, no more than a couple of pages long.

One important point: do not assume your position statement has been read by the judge when you walk into court. Paperwork gets mislaid, and time pressures may mean the judge has had little or no opportunity to read the paperwork. In a hearing, you should verbally set out your 'position' (and a written position statement helps you ensure important points do not get forgotten in court). Judges will state if they have read all the paperwork at the beginning of hearings and will check that the witnesses have also received and read the bundle. (Remember to send your witnesses the Bundle once you receive it!).

A **chronology timeline** is a timeline that is presentation of a **chronological** sequence of events along a drawn line that enables a viewer to quickly understand what has happened and when.

When should I write a position statement or a chronological timeline?

Technically, a judge should tell you when a statement is required, and the date by which it should be 'filed and served'. That said, people often write a position statement without such an instruction (and with no criticism for doing so without having been told to).

Filing means delivering or posting a copy of the statement to the court, while serving means delivering or posting a copy of your position statement to the other party or their solicitor if they are legally represented.

Some people have a worry that giving people advance knowledge of what you intend to say in court gives them an advantage. Making clear your position is more important, and so long as it is reasonable, practical and child focused, nothing is lost

in giving the opportunity for people to think about it, rather than risk them missing those points, or your points being lost due to your not having the opportunity to express them in court, proceedings being rushed due to limited court time, or simply due to you feeling stressed.

Position statement

A position statement should be brief. Two to three pages is plenty. As with any statement, we recommend you keep content:

Fair and Accurate: What you write in your statement must be true, fair and accurate.

Simple: Your statement should be easy to understand.

Timely: File and serve your statement so the court and other party receive it ideally before your last evidence date. Allow for the time it will take to be delivered if you are sending it by post. Just in case it is not delivered on time, take five copies to court with you. Hand in your position statement to the court usher on arrival at the court building, asking that it be passed to the judge prior to the hearing starting.

Short: Keep it short. Ideally, it should be no more than two to three pages.

Appropriate: Think of who you are writing for! Wording which is aggressive, confrontational, overly emotional and unnecessary is not going to assist your children, your case or you.

Child Focused: As with any statement, keep the wording child focused.

Reasoned: Be clear and give your reasoning behind the requests, but succinctly. Short paragraphs are more likely to be read.

Be sure to make YOUR points: Remember it is your statement and why you are writing it. It is important to consider the balance of the overall document to ensure that your own arguments and your reasoning is prominent.

Re-draft if necessary: Read and re-read your statement once it is finished. Aside from checking spelling and grammar, consider:

- whether the points you wish to make are clear. Try not to make paragraphs too long.
- whether each paragraph/point you raise is necessary. If it is not, then delete it. Do not risk your main points being obscured with 'fluff', 'padding' or repetition
- whether language / sentences / paragraphs can be simplified to make them easier to understand
- if what you have written could be misread or misinterpreted.

Closure: When it is finished and you are happy with it, put it away and come back to it a bit later. Read it again before sending it!

Example Template:

Position Statement and chronology timeline

for [child's name] – [Appeal number]

Background:

Write a bit of background, including the diagnosis, the age of your child, who he/she live with, if there are any siblings and the hours stated on the plan.

Include Family Information: who lives in the house, are there siblings. When were diagnosis made, when did you or others become concerned, School history if relevant, were childhood milestones met e.g. talking and walking.

Give details of the support your child has had from agencies and professionals such as speech and language, Occupational Therapists (OTs).

If you are waiting for reports then state this here.

What family and [child] would like:

What would you like moving forward – it maybe to attend a mainstream school or to have a Plan that reflects them for example.

Timeline:

	Date:	What happened:	Outcome:
1	3rd Sept 2019	Requested Reassessment for [child]	-
2	10th Sept 2019	Annual Review held	State the main points
3			

Remember to focus on the issues you are taking to the appeal. This chronology timeline can be used as part of a complaint you are doing but Court is not the place for your complaint to be taken.

Schools

If your appeal includes a Section I appeal then make sure you are clear what school or schools you are happy for your child to attend.

Include the full name of the School, the full address and what type of School it is (you can get this from <https://get-information-schools.service.gov.uk/>)

Include:

School type:

Type of SEN provision:

Type of resourced provision:

Local Authority area:

Date and sign

It maybe that you just type your name(s)

You may not want to include the rest of this in your Position Statement but you will need it on the day if you are appealing a School place (Section I appeal):

You should also record the PAN of the year group, the current number of children in the class / year if known, the distance from your house to each school (leaving on a school day that gives you enough time to arrive before the start of the school day).

Law

Are there any pieces of Law that you will be using on the day.

Case Law

Highlight any Case Law that has come before that links to your type of appeal.