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## **Webinar Useful Links:**

### **Contact:**

*Getting an EHC Draft Plan:*

<https://www.contact.org.uk/advice-and-support/education-learning/ehc-plans-assessments/getting-an-ehc-draft-plan/>

### **IPSEA:**

*Mediation:*

<https://www.ipsea.org.uk/mediation>

*General advice for all appeals:*

<https://www.ipsea.org.uk/general-advice-for-all-appeals>

*Appealing about an EHC Needs Assessment or EHC Plan:*

<https://www.ipsea.org.uk/appealing-about-an-ehc-needs-assessment-or-ehc-plan>

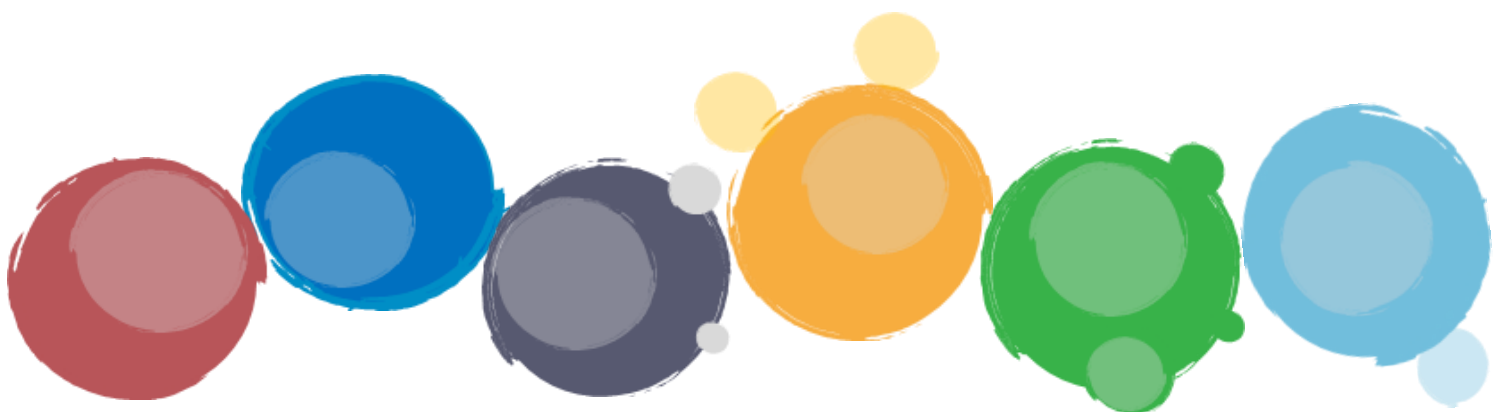
*Where can I get help appealing?*

<https://www.ipsea.org.uk/where-can-i-get-help-with-making-an-appeal>



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HERTFORDSHIRE

# Making meetings matter



# Introduction

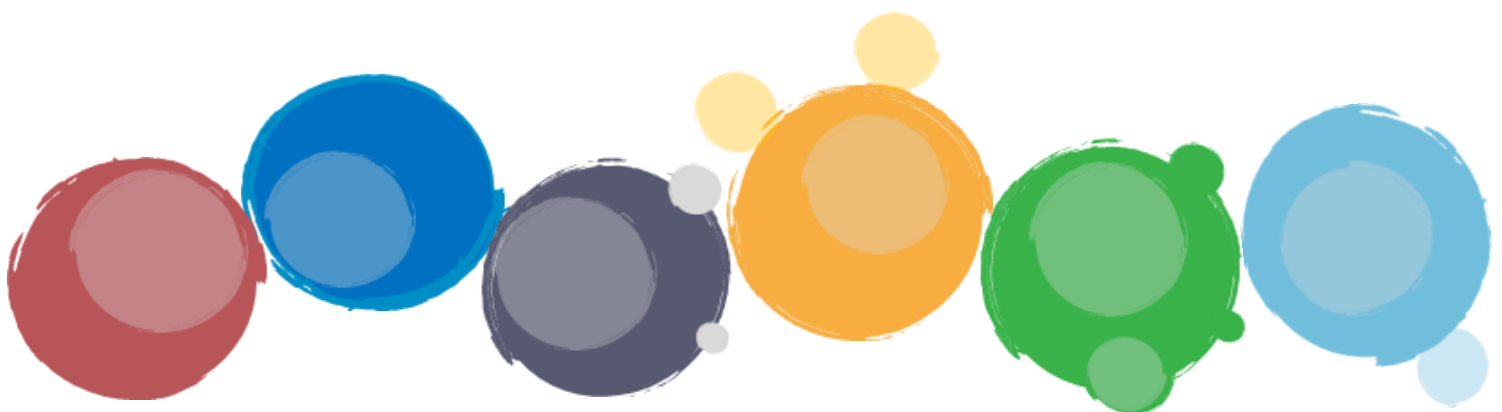
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You may be invited to meetings at your child's school or setting. You may also want to request a meeting to discuss any issues or concerns you have.

You have the right to request a meeting with any of the team of professionals involved with your child/young person. There are a variety of reasons that you might want to ask for a meeting and these may include concerns about:

- your child's progress
- how any special educational needs/disability your child may have are being met
- your child being bullied
- your child's behaviour, how it is being managed and the impact on their education.

This booklet gives ideas about how to prepare for meetings so that you can get the best out of the meeting. It also explains how SENDIASS may be able to support you at meetings.



# Preparing for the meeting

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## ***How do I organise a meeting?***

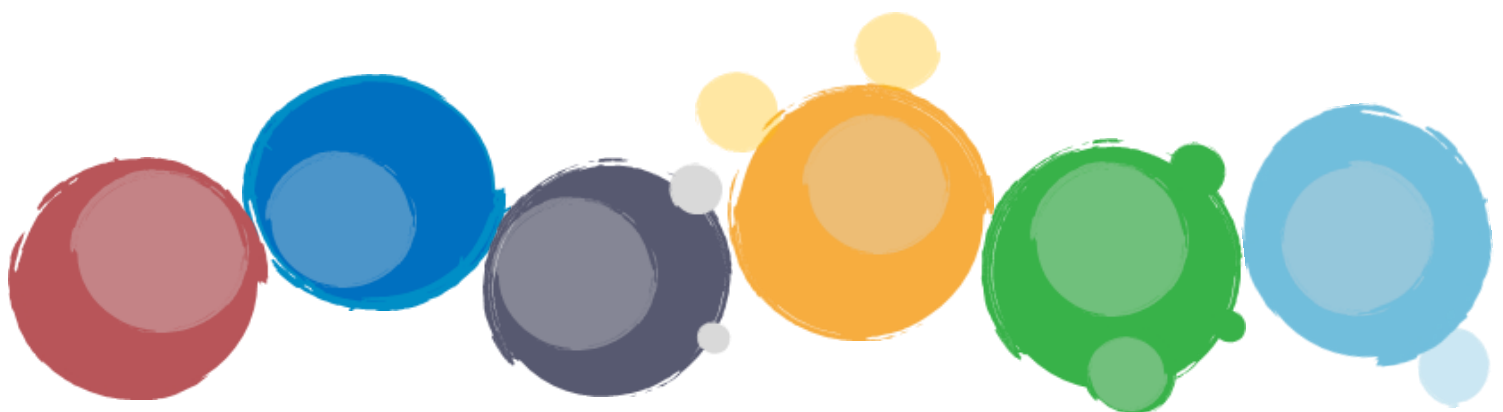
You can:

- request a meeting by calling the relevant people and arranging a date, time and place that convenient to all
- request a meeting by emailing or writing a short letter that includes who you want to meet with, the issues you would like to discuss and times and dates you will be available
- ask the school to arrange the meeting.

## ***Find out who will be at the meeting***

If you are invited to a meeting, it may help to find out who will be at the meeting. Ask the person running the meeting what they do and what their role is. Find out what will be discussed at the meeting and how long it will last and where and when the meeting will be held

If you have asked for the meeting be clear why you want to have a meeting. Who do you need to meet with? If the issues are school related, you may want to meet with your child's class teacher or form tutor and the special educational needs coordinator (SENCO) and head teacher.



## ***How to prepare***

*If you have been invited to a meeting* - ask for an agenda and a copy of the most recent paperwork which records and monitors the support that your child is receiving within their education setting. You can have a look at the paperwork before the meeting and make notes

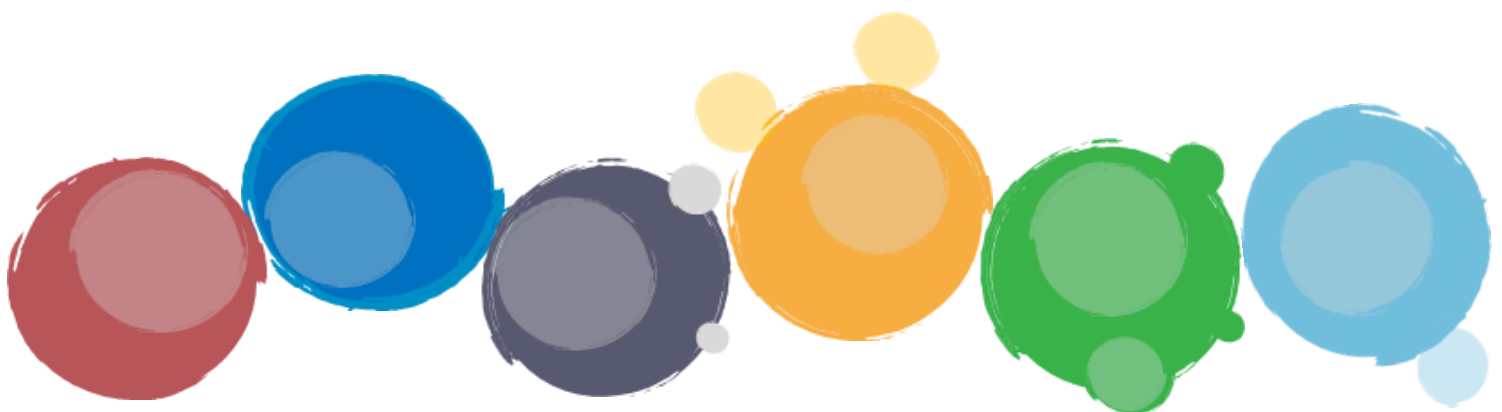
*If you have asked for the meeting* - think about what you would like to get from the meeting. Is there any information that you need?

Make some notes to help keep you focussed including:

- Your key questions/concerns in order of importance
- Any positive ideas you may have yourself
- Any strategies which are likely to make the situation worse

It can also help to write down your description of your child's abilities and celebrations as well as what difficulties you think he/ she may be having

Take with you any documentation that may be needed e.g. medical letters, reports. This includes any new information you may have received to share with the meeting.



## ***Your child/young person's views***

Children/young people should be enabled to express their views and contribute to discussions – in whatever means is appropriate.

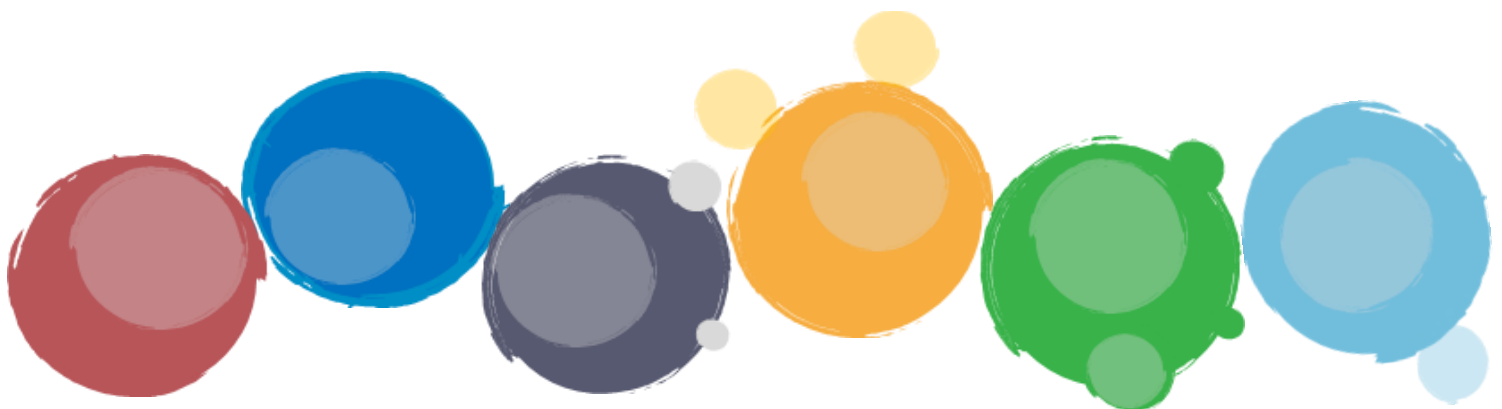
While preparing for a meeting, you could discuss some of the point below with your child:

- What do they enjoy?
- Do they have any worries?
- Is there anything they would like to ask their teacher/s?
- Is there anything they think would help them?
- Is there anything that is not helping them?
- What would they like to change?
- Would your child/ young person prefer to voice their opinions through pictures, posters, drawings etc?

## ***Support for yourself***

Your emotions are likely to be raised because this involves your child but remember the meeting will go better if you remain calm.

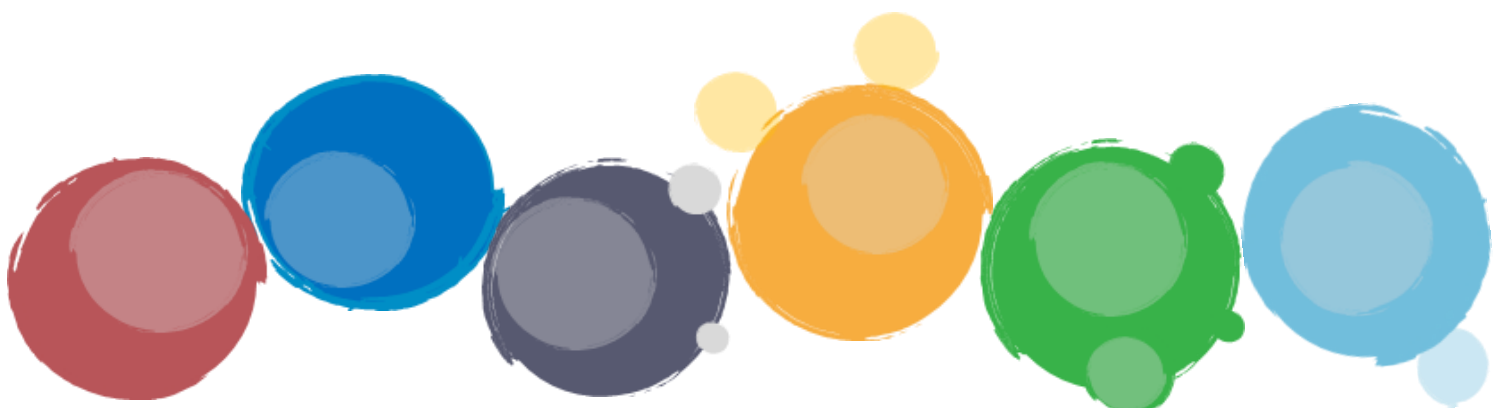
You may wish to take someone with you to the meeting for support (a friend, relative or supporter). Let the person organising the meeting know in advance who you will bring with you.



# During the meeting

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- Make sure everyone introduces themselves and you are clear about their roles and responsibilities
- If anyone is going to take notes ask for a copy, or take your own notes. Action points particularly should be recorded and agreed before the meeting ends
- If anything is said which you do not understand, ask for an explanation
- Try to focus on solutions, you could use questions such as:
  - What can we do to move this forward?
  - Is there a strategy which could be put in place?
  - Do you have any ideas of what could help?
  - What could make this better?
  - What support could the school offer?
  - What could I/we do to support?
- If your concerns have not all been discussed ask how this might be followed up (phone call? Email? Or further meeting?).
- Agree a date to check on progress and ask for the name of someone you can contact in the future.





***For further free confidential, impartial  
information, advice and support please  
contact us:***



**[www.hertssendiass.org.uk](http://www.hertssendiass.org.uk)**



**[sendiass@hertfordshire.gov.uk](mailto:sendiass@hertfordshire.gov.uk)**

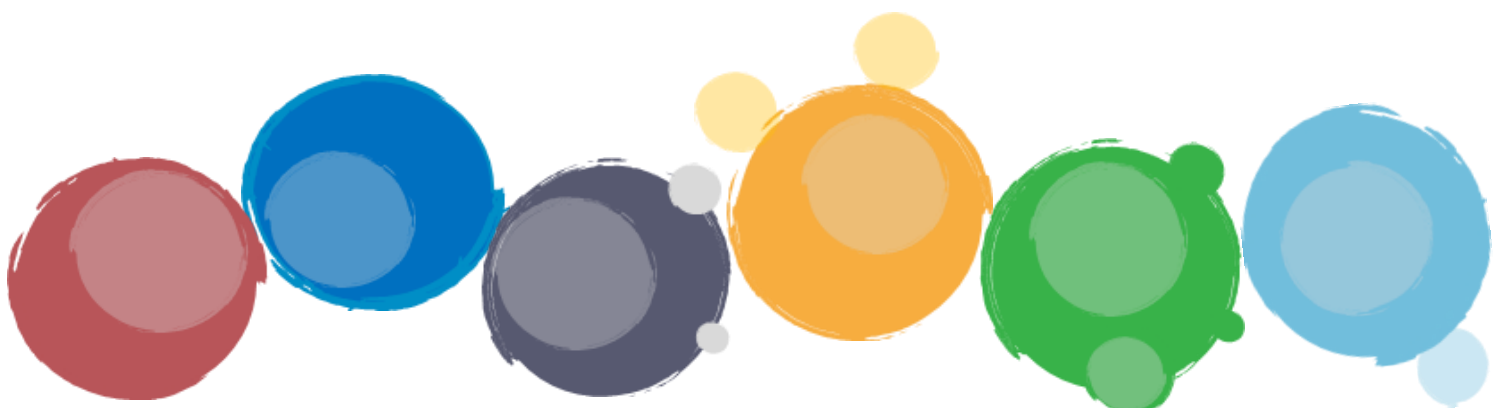


**01992 555847**

**Telephone  
Opening Hours**

*Monday - Thursday: 9:30am - 3pm*

*Friday: 9:30am - 2pm*



## Way forward meeting 1 and 2

### Way forward meeting 1

Meeting to take place once a decision has been made not to carry out an EHC needs assessment.

### Way forward meeting 2

Meeting to take place once a decision has been made not to issue an EHC Plan

#### Purpose

The purpose of a way forward meeting is to work together with parents/carers, child/young person, teachers and other professionals (where appropriate) to understand the current and future programme of support for a child or young person. The meeting is held when the SEN Advisory Panel has made a decision not to carry out an Education, Health and Care (EHC) Needs Assessment, or decided not to issue an EHC Plan. Parents/carers and/or young person will be offered a meeting within three weeks of the decision of the SEN Advisory Panel.

#### The meeting

The meeting provides an opportunity to clarify the resources available within all schools/settings to meet children and young person special educational needs. The meeting will cover the following key points:

- Reasons for the decision not to carry out an EHC Needs Assessment or issue an ECH Plan
- The provision available to support special educational needs in all schools
- What arrangements will be put in place following the meeting to support the YP
- How the YP's progress will be monitored and reviewed to ensure provision remains appropriate
- Following the meeting a copy of the SEN Support Plan will be given to you. (When the SEN Support Plan has been in place and all available resources have been appropriately applied, if YP is deemed to be making inadequate progress it may then be necessary to re-request an EHC Needs Assessment.)

#### Participants

- The meeting is led by an appropriate professional determined at the SEN Advisory Panel.
- Parents/Carers.
- Young Person as appropriate.
- Head teacher or SENCO or other relevant member of school/setting staff.
- Other relevant professional involved with the child.
- The SEN Advisory Panel may recommend particular professionals attend the meeting.

#### Structure of the meeting

- Solution focussed approach.
- Purpose and structure of the meeting explained.
- Discussion of Graduated Response, delegated resources and EHC Needs Assessment decisions.
- Explain reasons for refusal to assess or not to issue an EHC Plan and discussion. Agree next steps and form SEN Support Plan.
- Opportunity to discuss any other concerns from parents/carer.
- Agree monitoring and review arrangements and timescales.
- School to draft the SEN Support plan from the discussion in the meeting and issue to all parties.

#### After the meeting

- Meeting to be arranged for school and parents and if appropriate professionals to review the SEN Support Plan.

#### Children who have not yet started school

If a child has not yet started school, the meeting will focus on the support the child currently receives in their early years setting and an opportunity to explore transition planning and the provision that will be made available to them in school.



## PERSONAL BUDGETS

A personal budget sets out the amount of money that is available to spend on support for your child, to meet their assessed needs. This money may come from your local social services team, local education department, or in some cases from your NHS clinical commissioning group (CCG). If you receive funding from the NHS this is known as a personal health budget.

Having a personal budget should mean that it is much clearer what money is available to fund the support that your child has been assessed as needing. It should also mean that you can have more involvement in deciding how that money should best be spent.

Having a personal budget does not mean that your child will get any extra funding. However, it should mean that you have more say in how the money that has been allocated is spent. In some circumstances you may have the option of getting direct payments, which you can use to buy support for your child rather than have this arranged for you.

### WHAT ARE THE ADVANTAGES OF HAVING A PERSONAL BUDGET?

In principle, having a personal budget should provide your family with more choice and control over how your child's needs are met. You should:

- *have more say in what outcomes you want to achieve for your child (an outcome is how the extra help will benefit your child, for example joining in at local clubs or activities or being better able to communicate with others)*
- *know how much money is available to buy the support your child needs to meet these outcomes*
- *have more involvement in creating a plan for how your child's needs will be met*
- *have a choice over how the money funding support for your child is held and managed, including in some circumstances, the right to ask for a direct payment so you can buy in and manage these services yourself. This means you should be able to spend the money in ways and at times that best suits your child, so long as the agreed outcomes are met.*



### HOW MUCH CONTROL WILL I HAVE OVER MY CHILD'S PERSONAL BUDGET?

There are four different ways a personal budget can be managed. The amount of control that you have over how your child's needs are met will vary depending on which of these options are used.

#### Direct payments

This is where you receive the money yourself so you can buy the support that your child needs. Using direct payments means you will have a lot more control and choice over how your child's needs are met. However, it also involves more responsibility for you in managing these services.

You may decide to use direct payments to buy a service from a provider, for example a care agency, or to use a sensory room or short break service. Alternatively you may decide to employ someone to support your child and this means you would have all the legal responsibilities of an employer.

Every local authority must ensure that there is a service in their area offering advice and information on setting up and managing direct payments. You should be able to find out who this is by contacting your local authority.

## A third party arrangement

This is where funds to buy the support your child needs is paid to someone else, either a named individual or an organisation, to manage on your or the young person's behalf. This offers more control over how services to your child are provided, without you having to take on responsibility for organising and managing those services.

## A notional or 'virtual' personal budget

This is where the local authority or the CCG continues to hold all the funds and makes all the support arrangements. Having a notional personal budget means that there should be more transparency about how much funding is available to meet your child's needs and more discussion with you about how that money should be spent. However, the amount of control you have over how your child's needs are met is likely to be more limited than the other options outlined.

## A combination of the above


For example, it is possible that some of the services your child needs continue to be organised by the local authority, while the money to buy other support is given to you so you can buy them using direct payments.

## DOES MY CHILD HAVE A RIGHT TO A PERSONAL BUDGET?

### Education

If your child has an **Education, Health and Care (EHC) plan** then your local authority must prepare a personal budget covering the support identified in their EHC plan, if you ask for one.

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 For more information about EHC plans see our factsheet ***Education, Health and Care plans***.

If it's not possible for them to do so then they must explain the reasons to you. For example, your local authority might agree that your child needs a particular service, but might argue it is currently unable to separate an individual amount of money for your child from the wider block of funding that pays for the service to be provided to all the children who need it, including your child.

The personal budget for education will only include the funds needed to buy more specialist or individual support than the school or college is expected to provide. It does not cover the funding for the placement itself, or for the extra help the school, college or local authority is expected to provide for all children with special educational needs as part of the local offer.

A school or college can agree to contribute some of its own funding to a child's personal budget but are not obliged to do so.

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 For more information about the local offer see our factsheet ***The local offer explained***.

You can ask for a personal budget when an Education, Health and Care plan is being drawn up, or when the EHC plan is being reassessed or reviewed (which must happen at least once a year).

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 For more information see our factsheet ***Education, Health and Care needs assessments***.


Every local authority must include information about personal budgets in its local offer, including information about the different services that lend themselves to personal budgets and how to ask for a personal budget.

As well as having a right to a personal budget, you can also ask for direct payments so that you can use the budget to buy services for your child yourself. However, your local authority may not necessarily agree to make direct payments.

Details of a proposed personal budget should be included in section J of the draft EHC plan. Where the proposed budget includes direct payments for special educational provision, this section must include the special education need (SEN) and outcomes that are to be met by these direct payments.

Only children with an EHC plan are eligible for a personal budget for education. A child will not be eligible if they only receive SEN support. Parents of children who still have a statement of SEN are not entitled to ask for a personal budget (or direct payments) and will need to wait until they are moved over onto an EHC plan as part of the transition review. This is when the local authority look at transferring your child's statement to an EHC plan.

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 For more information see our factsheet ***Changing from the old system to the new - how will it happen?***

### Social Care


At the time of writing, social service departments are not obliged to offer a personal budget to a disabled child under the age of 18. Despite this an increasing number of councils do offer them. However, even if your local authority does not provide personal budgets for social care to children, it is still legally obliged to

offer the choice of direct payments as an alternative to getting support arranged by social services.

Social services are required to offer personal budgets to disabled people aged 18 or over who they assess as needing social care. The personal budget must cover the cost of the assessed needs the local authority must legally meet, alongside any needs that the local authority is using its discretion to meet.

As well as setting out the overall cost of meeting the disabled adult's needs, the personal budget must also make clear the amount, if any, that person will be expected to pay as a result of the council's charging policy.

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 For more information about getting an assessment for your child, and a carer's assessment of your needs, see our guide [\*Services and support from your local authority\*](#)

## Health

Anyone receiving NHS continuing healthcare, including a child, has the right to have a personal health budget. This sets out the funding available to meet the health care needs that have been agreed by health professionals, in a care and support plan. A care and support plan helps people to identify their health and wellbeing goals, and then sets out how the funding in their personal budget will be spent to achieve these goals.

Guidance makes clear that if someone receiving NHS continuing healthcare asks for a personal budget, the expectation is that it will be provided. A CCG should only refuse to offer a personal budget if it is seen as an impracticable or inappropriate way of securing the necessary health care.

However, even if you have a personal health budget, you will not necessarily be given the option of direct payments.

CCGs can agree to prepare a personal health budget for other groups of patients but at the time of writing are not obliged to do so. However, from April 2015 onwards CCGs are expected to roll out personal budgets beyond those receiving NHS continuing healthcare to other groups of patients likely to benefit. NHS guidance suggests that this should include children with EHC plans who could benefit from a joint personal budget that includes NHS funding.

Personal health budgets cannot include funds used to buy primary health services provided by GPs, surgical procedures and certain other health services.

## INTEGRATING EDUCATION, SOCIAL CARE AND HEALTH BUDGETS

Social service departments, education authorities and CCGs are being encouraged to work together. The aim is to establish arrangements allowing for single personal budgets that cover someone's social care, education and healthcare needs. EHC plans can then set out how this integrated personal budget is to be used to meet the different social care, education and health needs and the outcomes to be achieved.

## I WANT AS MUCH CONTROL OVER MY CHILD'S PERSONAL BUDGET AS POSSIBLE. DO I HAVE THE RIGHT TO INSIST ON GETTING DIRECT PAYMENTS?

### Education

You will be refused a direct payment for special education provision if your local authority believes that it would be an 'inefficient' use of its resources, or if it would have an adverse impact on other services it already provides for children with EHC plans.

For example, you may ask for direct payments to buy a service from a particular speech and language therapist of your choice. However, your local authority may have already 'block commissioned' a particular service to provide this therapy to children in its area, and your chosen therapist doesn't work for this service. In this scenario you may well be refused a direct payment for the reasons outlined above.

In addition, if you wish to use direct payments to buy a service that would be provided on the premises of a school, college or early years setting, then that educational establishment must agree to it. For example, if you wish to employ a therapist to work with your child in the school. If they don't agree then the local authority cannot give you direct payments.

### Social care

If social services assess that your child needs social care, then you have a right to choose direct payments rather than getting that support organised by your local authority. This applies equally to children under the age of 18 and to disabled adults.

There are a few exceptions to this, for example funding for long-term residential accommodation. But generally, if social services assess that your child needs services from them, you have the right to ask for a direct payment.

If you are already getting help from the local authority, you can ask for direct payments instead. If you don't currently get help, you will first need to ask social



services to assess your child's care needs. You still have a right to direct payments instead of support from social services even if your local authority does not offer the other forms of personal budget mentioned earlier in this guide.

If your child is aged 18 or over direct payments will normally be made to them rather than to you. However, if your son or daughter is 18 or over and lacks the mental capacity to manage direct payments then you may be able to manage them on their behalf.

## Health

Currently CCGs are not obliged to offer the option of a direct payment to someone with a personal health budget. Although CCGs are encouraged to offer direct payments they can decide not to do so. Guidance suggests that a CCG can refuse to allow direct payments if they are deemed to be 'impracticable or inappropriate' or if they are seen as not representing value for money.

## HOW IS MY CHILD'S PERSONAL BUDGET WORKED OUT?

Your child's personal budget should reflect your child's needs and the level of support that they have been assessed as needing. The amount must be enough to cover the costs of all the additional support that has been agreed. So the more complex your child's needs and the greater the level of support needed, the higher the personal budget would usually be.

The personal budget should be based on your child's individual needs rather than simply being a rough figure based on the costs of providing services to other children with the same general level of need.

Many local authorities use resource allocation systems (RAS) to give an initial estimate of how much a child's personal budget should be. Some RAS are complex computer programmes, while others are based on more general ready-reckoners. However, regardless of the system used, any figure that has been generated by a RAS should be seen only as an initial starting point or a rough 'indicative figure'.

A more detailed assessment of your child's needs should then follow as a plan is developed, setting out how your child's individual needs will be met in practice. This may either take the form of a care and support plan or a draft EHC plan if your child is eligible for one.

In developing this plan, the actual costs involved in meeting your child's needs should become clearer, and this should be reflected in the amount of money in the final personal budget.

Once you have been offered a personal budget, you should ask the local authority (or CCG if a personal health budget) to break down the budget to show how it meets your child's assessed needs. If you do not believe that the amount allocated to your child's personal budget will be enough to buy the support your child has been assessed as needing, you should challenge the amount. How you go about doing this will depend on whether your personal budget is for special educational needs, social care or health care. Call our freephone helpline for more details.

## AM I OBLIGED TO HAVE A PERSONAL BUDGET FOR MY CHILD?

No. While it is expected that many parents will want to take up the option of a personal budget, you are not obliged to do so and can simply ask the local authority or CCG to continue planning and managing the support that your child receives.

## FURTHER INFORMATION

Local authorities are obliged to provide information about local organisations providing advice and assistance to help parents and young people make informed decisions about Personal Budgets. CCGs are expected to offer support in managing personal health budgets, either by providing advice via NHS staff or by working with organisations already offering advice and support with direct payments.

### Kids (search for 'personalisation 2 case studies')

Examples of how you might use personal budgets and real-life stories from families who have used them in education, health and social care.

[www.kids.org.uk](http://www.kids.org.uk)

### GOV.UK (search 'SEND code of practice: 0-25')

Detailed guidance on personal budgets for SEN provision on pages 178-184 of the special educational needs and disability code of practice.

[www.gov.uk](http://www.gov.uk)

### NHS England

Further information on personal health budgets, including frequently asked questions is available from [www.england.nhs.uk/healthbudgets](http://www.england.nhs.uk/healthbudgets)

If you're not sure about any aspect of personal budgets, and getting and managing direct payments from social services, and would like to talk to someone, please call our free helpline.

## HOW CONTACT CAN HELP

Our helpline advisers can support you with any issue about raising your disabled child: help in the early years, diagnosis, benefits, education and local support.

 **0808 808 3555**  **helpline@contact.org.uk**

You can also visit our website to find out more about the help, support and information we offer:

 **www.contact.org.uk**

## GUIDES FOR PARENTS

We have a range of free guides for parents, including:

- ***Universal Credit – the essentials families need to know***
- ***Money matters – a checklist when your child has additional needs***
- ***Claiming Disability Living Allowance for children***
- ***Personal Independence Payment and other benefits at 16***

A full list of our guides is at the link below. All our guides are free to parents who call our helpline, and are free to download.

 **www.contact.org.uk/publicationslist**  **0808 808 3555**



FREEPHONE HELPLINE

**0808 808 3555**

helpline@contact.org.uk

www.contact.org.uk



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## How to appeal an SEN decision

**The aim of the guide is to help you through the appeal process in the First-tier Special Educational Needs and Disability (SEND) Tribunal.**

The SEND Tribunal is part of the system of courts and tribunals which makes decisions in appeals and claims.

SEND Tribunal hears cases which involve:

- appeals against decisions of local authorities about children with special educational needs; and
- claims of disability discrimination by a school against a child (please see the “How to make a claim” booklet for more information).

The guide explains what is involved in making an appeal to SEND Tribunal, step by step.

The staff who administer appeals are called ‘tribunal clerks’. They will handle letters, emails and phone calls and deal with any questions. However, they cannot give legal advice.

### Using the guide

The guide is quite long, because it provides detailed information on each of the stages in the appeals process. It can be used as a manual, checking each step as the appeal progresses, or as a reference, to look up issues as they arise.

Download the appeal form you need from:

For appeals against a LA decision not to carry out an EHC assessment <https://www.gov.uk/government/publications/form-send35a-special-educational-needs-and-disability-tribunal-appeal-a-refusal-to-secure-an-ehc-needs-assessment>

For appeals against all other LA decisions <https://www.gov.uk/government/publications/form-send35-special-educational-needs-and-disability-tribunal-appeal>



## Contact

SEND Tribunal's contact details are:

By phone: 01325 289350

By fax: 0870 739 4017

By email: [send@justice.gov.uk](mailto:send@justice.gov.uk)

In writing to:

First-tier Tribunal Special Educational Needs and Disability  
1st Floor, Darlington Magistrates Court  
Parkgate  
Darlington DL1 1RU

## Section 1 – Making an appeal When can I appeal?

The deadline for making appeals is two months from the date of the letter from the local authority giving their final written decision. You must SEND Tribunal the appeal so that it is received by SEND Tribunal within two months of the date of the letter. If you want to appeal after the two months deadline, if the circumstances are exceptional you can apply to extend the time.

In most cases you will need to consider whether you want to go to mediation before you make your appeal. If you go to mediation or decide that you don't want to go to mediation you will need a mediation certificate issued by a mediation provider before you can make an appeal. You will have two months to request a mediation certificate from the date of the letter from the local authority giving their final decision. The letter must give contact details for a mediation provider. This deadline cannot be extended by the mediation provider. You will then have an additional 30 days from the date of the Mediation certificate to make an appeal to SEND Tribunal.

Even after an appeal has been made, parents or a young person and the LA should continue to try to reach agreement by discussing the case.

## What can I appeal?

You can appeal if the local authority:

- refuses to arrange an EHC assessment of the child or young person's special educational needs, following a request by a child's parents, young person or school, college;
- refuses to issue an EHC Plan for the child or young person after completing an EHC assessment;

- refuses to arrange a EHC reassessment of the child or young person (following a request by the child's parent, young person's or school, college) if the local authority has not carried out an EHC assessment in the last six months;
- decides to stop maintaining an EHC plan;
- decides not to amend the EHC plan following an annual review;
- decides not to change the EHC plan after carrying out an EHC reassessment; or
- has finalised, or has changed a previous EHC plan, and you disagree with one or all of the following.
- The Section which specifies the child or young person's special educational needs in Section B of the EHC Plan.
- The Section which specifies special educational provision in Section F of the EHC Plan.
- The school/college/institution or type of school/college/institution named in Section I of the EHC Plan or type of school named in Section I of the EHC Plan.
- The local authority not naming a school/college/institution in Section I of the EHC Plan.

## **Are there any issues SEND Tribunal cannot decide?**

SEND Tribunal cannot deal with a case if the issue is:

- the way the local authority carried out the EHC assessment, or the length of time that it took;
- how the local authority or the school or college is arranging to provide the help set out in the EHC plan;
- the way the school or college is meeting your child's or a young person's needs under SEN Support;
- the outcomes in Section E of the EHC plan
- any disputes about the wording of Sections A, J, K of the EHC plan

In terms of the last bullet point, you would first need to ask your local authority to amend the EHC plan at annual review or if that is not for some time, ask the local authority to arrange an interim review of the EHC plan.

- Admissions appeals
- Exclusion appeals unless it involves an allegation of disability discrimination

## Recommendations concerning Health or Social Care

From 3 April 2018 the Tribunal will be able to also consider issues concerning a child or young person's health or social care needs in certain circumstances including Sections C, D, G and H of an EHC Plan. This will only be where an appeal concerning educational issues is being made to the Tribunal. Please see separate Guidance on asking for a Recommendation to be made by the Tribunal [https://hmctsformfinder.justice.gov.uk/HMCTS/GetLeaflet.do?original\\_id=2063](https://hmctsformfinder.justice.gov.uk/HMCTS/GetLeaflet.do?original_id=2063)

## Who deals with the issues SEND Tribunal cannot determine?

You should discuss your concerns with the school, college or the local authority. If you are still not happy, you can complain to the Secretary of State for Education. If they agree with your complaint, they may ask the school, college or the local authority to take action to put things right. You can contact the DfE at Email: [SEN.IMPLEMENTATION@education.gov.uk](mailto:SEN.IMPLEMENTATION@education.gov.uk)

You may also be able to complain to the Local Government Ombudsman. You can get guidance on this by contacting the LGO Advice Team on 0845 602 1938 or by writing to:

Local Government Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

You can also visit their website: [www.lgo.org.uk](http://www.lgo.org.uk)

## Should I appeal?

The guide deals with how to appeal. It cannot advise on the strength of your case. Tribunal clerks can help with phone queries about the appeal as it goes through the process, but cannot give an opinion about whether the appeal is likely to win or lose, or whether or not a particular step should be taken.

## Can I get advice about whether I can appeal?

The local authority should have told you about the following groups that may be able to give you advice.

- A local Information, Advice and Support Service (IASS)
- A voluntary organisation which helps people with special needs
- A parents' or young person's support group
- National Advice Organisations

The local authority should also have told you about its named officer who can work with

you to try and sort out the issues in the appeal.

## **Can I get help if I decide to make an appeal?**

The groups above and the local authority officer may be able to put you in touch with an independent supporter or a representative.

You may be entitled to public funding (Legal Aid) in preparing your appeal. A solicitor will be able to advise you on whether you are entitled to this. The Law Society or your local Citizens Advice (CA) will be able to give you the names of organisations who offer public funding and are experienced in education matters. Public funding for a lawyer to represent you at the hearing is only available if the circumstances are exceptional.

## **What is likely to be involved?**

SEND Tribunal's service is free. Unlike going to court, there are no fees involved. A contribution can be made towards any out-of-pocket expenses you incur from attending the tribunal hearing, such as travel costs.

From start to finish, the process of making an appeal can take up to five months depending on the type of case. Usually, there will only be one hearing where you need to visit the tribunal. Hearings normally start at either 10am or 2pm. Occasionally, in a complicated case, it may need to be adjourned to another day for SEND Tribunal to hear all the necessary evidence.

Preparing the appeal may involve you in gathering evidence to support your case.

## **Section 2 – Starting an appeal**

### **Are there time limits for making the appeal?**

SEND Tribunal must receive the appeal within two months of the date on the letter from the local authority giving you their final decision.

If you miss the deadline, a Tribunal Judge may extend the time for making the appeal but you must ask for the extension by:

- sending SEND Tribunal your completed appeal form as soon as possible; and
- explaining why the appeal is late giving full reasons for the delay and
- explaining why you consider the appeal will be successful and should go ahead even if late;
- explaining why the local authority will not be prejudiced by the late appeal;
- explaining why you should not have to wait for an annual review or ask for another assessment;
- drawing attention to any other matters that you think are relevant.

The Tribunal Judge may allow an extension if there are special circumstances which prevented the appeal being made in time and it is fair and just to do so.

If the Tribunal Judge allows the extension, the appeal will go ahead. If the judge refuses an extension, the appeal will go no further.

There is a right of appeal to the Upper Tribunal against a decision not to extend time, but it can only be made with permission on the ground of an error of law.

## **What are the grounds of appeal?**

You must identify the decision appealed and give the date of the local authority letter giving you the decision.

You must give the reasons for the appeal including the issues that you want the Tribunal to decide. These are the 'grounds of appeal'. The reasons don't have to be lengthy or written in legal language, but need to say more than just, 'I disagree'. Explain why you disagree with the decision and what you would like SEND Tribunal to do.

If you have information or evidence supporting the appeal, enclose it with the appeal.

## **The appeal form**

### **What does SEND Tribunal need on the appeal form?**

**Section 1 Your child** – asks for details of the child.

**Section 2 What are you appealing against** – this is important because this is where you explain why you are appealing.

**Section 3 Your appeal** – asks for information about the Local Authority decision

**Section 4 Your contact details** – asks for your details and the contact details of any representative that you may have

**Section 5 Special Requirements** – asks if you have any special needs in terms of the appeal documentation and the hearing.

**Section 6 Claims about disability discrimination** – asks whether you have an existing disability discrimination claim or if you would like further information about how to make a claim.

**Section 7 Checklist.** Go through the list and tick the boxes to make sure that you have provided all the necessary information.

**Section 8 Signatures** – all parties to the appeal must sign the appeal form. Without signatures, SEND Tribunal cannot accept the appeal.

**Section 9 Sending the appeal** – explains where to send the completed appeal form.

## **What if I don't send all the right information or documents?**

The tribunal clerks may have to contact you about getting the information or documents to SEND Tribunal. If SEND Tribunal does not have the right papers to register the appeal, the appeal form and supporting papers will be returned to you with a list of what else SEND Tribunal requires. The letter from SEND Tribunal will give you 10 working days to send them. If they are received within that time, it will not be necessary to ask for an extension. If they arrive any later than the date you were given, it will be necessary to apply for an extension of time, explain why they are late and why you believe your appeal will succeed.

In some cases an appeal can be registered even if SEND Tribunal does not have all the documents. If that happens, SEND Tribunal will ask you to provide the missing documents within 10 working days. If they are not received within that time, the appeal may be struck out. The appeal will then be at an end.

## **Do I have to send original documents?**

No. Only send photocopied documents and keep the original documents yourself.

Please ensure that all documents which you provide to SEND Tribunal are single sided.

## **Do I have to send the appeal myself?**

No, but you must sign the appeal form yourself, unless your legal representative signs it for you. If the appeal is made jointly with another person, both of you must sign the form. Please be aware that SEND Tribunal will only provide information about the appeal to one person named on the appeal form. The choice is yours (see the form). If none of the boxes are ticked, the information will be sent to the first named person.

If you have a representative and you want them to receive all the letters and papers for the appeal on your behalf, you should give their name and address on the form. A legally qualified representative may sign the form on your behalf if you have given them permission to do so. If you say on the form that your representative is going to receive all the papers, you will not receive any correspondence in connection with the appeal before the hearing. Instead, SEND Tribunal will send it all to the representative. You must let SEND Tribunal know in writing if you decide to stop using your representative or if the details of your representative change.

## **What if I have any other needs?**

Please make sure that you give details of any special needs on the appeal form.

For example, if you need a signer or an interpreter at the hearing, or any special arrangements to be made to enable you to attend the hearing.

## **Section 3 – The process up to the tribunal hearing**

### **What happens after I send you my appeal?**

The appeal will be registered within 10 working days of receipt. SEND Tribunal will tell you that the appeal has been registered and the date of the final hearing of the appeal. The appeal number should be used whenever you contact SEND Tribunal about your appeal.

When the appeal is registered, case directions, an attendance form and a case management questionnaire are issued. The directions will set dates by which you must take action and send the local authority and SEND Tribunal information which will be considered at the hearing. It will also set a date by which you need to tell the local authority and SEND Tribunal about the witnesses (if any) that you will bring and anyone else you want to come to the hearing.

When the appeal has been registered, a copy is sent to the local authority, who are also issued with directions setting out the time limits for sending documents, sending the attendance form and case management questionnaire.

### **What will the local authority do about my appeal?**

The local authority must respond within 30 working days of a copy of the appeal notice being sent. They will send a copy of their response and any accompanying documents to you and to SEND Tribunal. If you do not receive the response within eight weeks of your appeal being registered, you should notify SEND Tribunal in writing.

The local authority will have the same timetable to send further information and evidence as is set out in your directions. The response must say whether or not they oppose the appeal and, if they do, they need to explain why. They should provide a summary of the facts and tell SEND Tribunal what the child thinks about the issues in the appeal. Local authorities are required by SEND Tribunal to provide children's views on the issues in the appeal wherever possible, or an explanation why they have not been provided. They may also contact you about the appeal, as they may have looked at the evidence again and feel that they can provide some or all of what you want.

The local authority may also apply to strike out (bring to an end) your appeal if they believe it is a case that the Tribunal cannot consider. If that happens, the Tribunal will send you a copy of the local authority's application and ask for your written comments, giving you the opportunity to explain why you think your appeal should continue.

### **What happens if the local authority does not oppose the appeal?**

This will depend on the issues in your appeal. If the local authority agrees to change the contents of the EHC Plan and you are satisfied with the outcome, you can withdraw the appeal or ask the Tribunal to order the local authority to change the EHC Plan in the way you have agreed by making a consent order.

If the appeal is about a decision not to carry out an EHC Needs Assessment or re-assessment, not to issue an EHC Plan, not to change the school named in an EHC Plan that is over one year old or to no longer maintain an EHC Plan, and the local authority does not oppose it, the appeal will automatically come to an end. The local authority will have to do what they have agreed to do within a fixed time limit.

### **What if the local authority does not provide a response?**

If the local authority does not send a response by the end of the time in which they have to reply, SEND Tribunal can do a number of things, including barring them from taking further part in the appeal. Before deciding what to do, SEND Tribunal will write to the local authority asking for an explanation for their failure to respond, or failure to respond in time. A tribunal judge will consider any reply the local authority gives and will decide what should happen. If the local authority is barred from further involvement, SEND Tribunal will decide whether your case can be dealt with on the papers or whether there should be a hearing, which the local authority would not attend.

### **Before the hearing**

#### **Can I send in any more documents?**

You should try to send in all your documents with the appeal. The case directions will set out if and when you can send other documents. You must send copies of all documents to the local authority at the same time as you send them to the Tribunal.

You should NOT copy SEND Tribunal into every email and correspondence exchange that you have with the other party. Think carefully about the information and documents that you want included in the tribunal bundle and bear in mind that anything you send will be provided to the tribunal panel.

#### **Can I bring new evidence to the hearing?**

As a general rule all the documents must be produced before the hearing. You should not normally bring new evidence to the hearing. In exceptional circumstances, SEND Tribunal will consider late evidence on the day of the hearing if you have already provided a copy to the local authority and can provide a good reason for the delay.

Evidence provided to SEND Tribunal after the final evidence date will be returned to you. If you want to bring additional evidence on the day, you should bring 5 copies for the tribunal panel and other party.

#### **What if the local authority has more evidence?**

The same rule applies to the local authority.



## **What if I find it difficult to get hold of a document that is important to my case?**

SEND Tribunal has power to order the production of a document. If you apply well before the hearing using the request for changes form, an order may be made directing the local authority or anyone else who may have relevant information to release it. If the local authority objects to releasing the information a judge will consider the objections and then decide whether or not to order the local authority to release the document. You will be able to comment on the local authority's objections before a decision is made. You may also be able to ask someone who is not directly involved in the appeal to release a document they have. That organisation could be the NHS or social care.

## **Requests for changes**

You can ask the tribunal to make an order for documents to be provided or for other directions, if you are unable to agree them with the other party at any time before the hearing. If you want to ask the tribunal to make an order, you should complete the "Request for changes" form explaining what you are asking the tribunal to do, and explaining why you want it done, and send a copy to the local authority and to the Tribunal. The request will be considered by a Registrar or Tribunal Judge and an order will be issued and sent to you and the local authority. You can get a form by phoning the tribunal clerks or by visiting our website, at [www.justice.gov.uk](http://www.justice.gov.uk).

## **Can I change my appeal?**

Once the appeal has been registered, SEND Tribunal must agree to any changes to the grounds of appeal. A request must be made in writing on the "Request for changes" form. On the form, set out the changes you want to make and explain the reasons for asking for the amendments and send a copy of the form to the local authority and to the Tribunal.

## **What is a telephone case management hearing?**

Sometimes, if there is an issue that a party has raised that is not easily resolved on the papers, a Registrar or Tribunal Judge will direct for a telephone case management hearing to be arranged.

This is a hearing that takes place by means of a conference call where the Tribunal Judge, the local authority representative and you or your representative (or both of you) will be able to discuss the case over the phone. You will be provided with a telephone number and an explanation of what you should do to join the hearing. Telephone hearings usually last between 20 and 30 minutes, and the Tribunal Judge will either give you a decision immediately or reserve the decision. In all telephone hearings, the orders made will be confirmed in writing within a few days.

## **Can I withdraw my appeal?**

The appeal can be withdrawn with SEND Tribunal's agreement. If you inform SEND Tribunal that you want to withdraw, permission will usually be given if it is more than three weeks before the hearing. The application to withdraw must be made on the request for changes form and explain why you wish to withdraw.

If you want to withdraw less than 15 working days before the hearing, you need to make the application in writing on the request for changes form setting out the reasons why you are withdrawing so close to the hearing. A tribunal judge will consider the request and decide what further action, if any, is required. You may need to take part in a telephone conference to explain why you want to withdraw.

A request to withdraw the appeal very near to the date of the hearing may be refused and both parties required to attend before a judge to explain the reasons for the late settlement of the appeal.

## **What will happen to my appeal if I move to live in another local authority area?**

You must inform SEND Tribunal immediately if you move house. If you move to another area, SEND Tribunal will then contact the new local authority to tell them about the appeal. The new local authority may be substituted as a party to the appeal as if they had made the decision. Your appeal will be against them, unless there are good reasons why they should not take over the appeal. If the case is transferred to the new local authority, there will be a new timetable for supplying evidence. The old local authority will take no further part in the appeal.

## **What is a working document?**

A working document is a copy of the final EHC Plan, on which both parties have worked to show the changes to the wording that they want or can agree, as well as those issues which the Tribunal must decide on the day of the final hearing.

The working document is provided to SEND Tribunal in advance of the hearing so that the tribunal panel is aware of the detailed wording in dispute. Sometimes, the options preferred by the two parties are brief and immediately clear to the reader. On other occasions the issues are more complex and/or lengthy and the working document may be confusing unless the document is carefully drafted.

## **How will I know the place for the hearing?**

At least 10 working days before the hearing, you will receive a full copy of the appeal bundle and details of the time and hearing venue. Sometimes your hearing may be postponed at short notice due to a lack of tribunal time, but you will be notified of this at least 48 hours before the scheduled start of the hearing.

Sometimes, it is necessary to change the venue for the hearing at short-notice. We will do our best to notify you of any change of venue at least 48 hours before the hearing.

## **What is Active Case Management?**

About three weeks before the final hearing, you and the local authority may get separate telephone calls from a Registrar asking you about any issues arising from your completed case management questionnaire. The call will be quite informal, and will ask you about your witnesses, working document or any other matter noted from your case management questionnaire or the fact that you have not submitted it. The purpose of the call is to make sure that the appeal is ready for hearing and is likely to be effective on the day.

## **Section 4 - The hearing**

A film explaining what happens at a hearing is available on YouTube (type 'special educational needs tribunal hearing' in the search box). A DVD is available to give you some idea of what happens at a hearing. You can ask SEND Tribunal for a copy of the DVD.

## **Where will my hearing be held?**

Appeal hearings are held at Tribunals buildings and in family court rooms as close as possible to your home. SEND Tribunal aims to limit travel to no more than one-and-a half hours in each direction.

## **What time will my hearing start and how long will it last?**

Hearings are fixed to start usually at 10am but some start at 2pm. Please arrive 30 minutes before the hearing time so that you can meet the tribunal clerk, familiarise yourself with the arrangements and ask any questions. The length of your hearing will depend on the issues in the appeal and the number of witnesses coming to the hearing. Sometimes where the appeal is very complex, it may be necessary to adjourn the case to another day so that the tribunal panel can hear all the relevant evidence.

## **Who will hear my appeal?**

The appeal will be heard by a tribunal panel consisting of: a legally qualified tribunal judge, who will be the chair, and depending on the type of appeal, up to two specialist members who have been appointed because of their knowledge and experience of children with special educational needs and/or disabilities.

## **Do I have to come to the hearing?**

You do not have to come to the hearing but it is helpful if you do. The panel will want to hear anything you have to say and you may want to ask questions of the local authority and any witnesses they may bring. If you do not come, the questions may not be asked on your behalf.

The appeal can, however, be considered on the papers if both parties agree. If you consider that your appeal is suitable for a paper hearing, where neither of the parties attend, then you

can tick the box on the notice of appeal form and if both parties consent to a paper hearing, the appeal will be placed for consideration by the first available panel after the final evidence date and your appeal may be decided sooner than if it goes to an oral hearing.

### **Can I have a representative at the hearing?**

You can have a representative at the hearing whether or not you attend yourself. If you are represented, you must let us know on the attendance form sent to you on registration of the appeal.

A solicitor or a barrister may represent you but public funding (or Legal Aid) is not available unless the circumstances are exceptional.

### **Can both parents come to the hearing?**

Yes, anyone who is a parent of the child, even if they have not appealed, may come to the hearing. Where a parent who is separated from the other makes an appeal, they should notify the other parent of the appeal.

If, for some reason, you do not want the other parent to come to the hearing, you must tell SEND Tribunal why not by completing a request for changes form, explaining the reasons for the objection. A tribunal judge may agree to limit that person's involvement in the case.

### **Can the child come to the hearing?**

Yes, the child can come to the hearing and can give evidence, if they want to. However, bear in mind that it is unlikely that the child will stay for the full hearing and you must arrange for someone to look after the child when they are not in the hearing. The tribunal clerk will not be able to look after your child and it is unlikely that there will be a child-friendly place for them and their carer to use in the building.

### **Can I bring anyone else to support me during my hearing?**

Yes, you can bring another person with you for support but they will not be able to take part in the hearing, and the attendance form must show who they will be. If you think that you want more than one supporter, you must make a request on the request form. SEND Tribunal has power to exclude any person from the hearing. As it is a private hearing, no-one other than supporters can attend. If your representative is training someone on the tribunal process, they may be allowed to come as long as they make a request in writing at least 10 working days before the hearing. They will not be allowed to take part in the hearing.

At the start of the hearing, the tribunal judge who chairs the hearing will explain to the parties the procedure to be followed during the course of the hearing.

## **Can the appeal be heard earlier than the date set?**

If you and the local authority agree, then the appeal could be listed for an earlier hearing, if you contact SEND Tribunal to confirm the position. If you know that all of your evidence is available as soon as the local authority's response is received, and your witnesses are available at short notice, then you can, if the local authority agrees, ask for the appeal to be heard at 10 working days' notice.

## **Witnesses**

### **Do I need to say if I am bringing witnesses?**

Yes, you must inform SEND Tribunal on the attendance form who you will be bringing with you. If the information is not provided, SEND Tribunal may prevent your witness from taking part in the hearing or even being in the room where the hearing is held.

**IF YOU DO NOT COMPLETE THE ATTENDANCE FORM IDENTIFYING WHO WILL ATTEND THE HEARING YOUR APPEAL MAY BE STRUCK OUT.**

If you change your witnesses, you should tell SEND Tribunal and the local authority immediately.

You do not have to bring any witnesses at all but if you do want to, you are normally allowed to bring no more than three to the hearing. This is because SEND Tribunal aims to conclude every hearing within a day and that the focus is on only the relevant issues. Often a report by a professional who has assessed your child will contain all the information you want us to consider and it may not be necessary for that person to come to the hearing as well.

If you want to bring more than three witnesses, you will need to ask permission in writing on the request form. SEND Tribunal has power to limit the number of witnesses.

### **What if a witness refuses to come to the hearing?**

If you have asked someone and they are unhappy about coming to the hearing and have refused to attend, you can ask SEND Tribunal to issue a witness summons to require them to attend. You should complete a request for changes form, explaining why you feel it is important they be there, why their evidence cannot be provided in written format without their having to attend. You will need to explain why they cannot give their evidence through a witness EHC Plan or report, and why it is necessary for them to attend. SEND Tribunal must receive your request at least 15 working days before the hearing.

If the tribunal judge agrees to the request, a witness summons will be issued for you to give to the person. That person will then have to come to the hearing unless there are very good reasons why they cannot.

## **Will I be able to ask my own questions?**

Yes, you will have the chance to ask questions of the local authority, their witnesses and also add anything you feel is important but has not been mentioned.

## **What will happen at the hearing?**

SEND Tribunal hearings are a legal process, but try to be as informal as circumstances allow. When you are shown into the hearing room, you will sit at a table facing the tribunal panel. At the start of the hearing, the Tribunal Judge will give an introduction, explain the procedures to be followed during the course of the hearing and a list of the issues to be considered during the hearing. The parties will be asked to introduce themselves.

The tribunal panel will consider the appeal on an issue by issue basis and you will be invited to give your view and your evidence about each issue in turn. If you have additional issues that you want to raise, which are relevant to the appeal and which haven't already been discussed, you will be given an opportunity to raise these before the end of the hearing.

When all of the issues have been covered, you may be invited by the Tribunal Judge to make some brief closing comments summarising your appeal. You do not have to do this if you consider that all of the relevant issues have been discussed and if you choose to do so, you should keep your comments brief. It is intended to be a chance to summarise your position at the end of the hearing, in light of any changes brought about by the evidence heard.

## **What expenses can I claim?**

You and your witnesses can claim travel expenses to attend the hearing. If you bring a friend or a relative to look after your child, you will be able to claim their travel expenses as well.

You should use public transport where possible (bus, tram, standard-class rail travel). If you travel by car, you can claim a fixed amount for mileage. SEND Tribunal will only pay for taxi fares if public transport is not available, or if you have particular needs (you must tell SEND Tribunal about these before making your claim for expenses). If you require use of a taxi, please contact SEND Tribunal on 01325 392760 or [sendistquiries@hmcts.gsi.gov.uk](mailto:sendistquiries@hmcts.gsi.gov.uk) to get authorisation.

Your witnesses can also claim a fixed amount for loss of earnings.

Details about claiming expenses will be included with the notification of the arrangements for your hearing. At the hearing, the clerk will give you the relevant forms to fill in and return. SEND Tribunal will then either post the expenses or put them straight into your account.

## **Section 5 - After the hearing**

### **How do I get the decision?**

You should receive the decision and reasons by post within 10 working days of the hearing. The decision is sent to the nominated contact and the local authority.

### **How soon will the decision be put into practice?**

Once SEND Tribunal's decision is issued, the local authority must carry out the order within a fixed period, beginning with that date.

- To start the assessment or reassessment process – four weeks
- To make a EHC Plan – five weeks
- To amend EHC Plan – five weeks
- To amend the school/college/institution – two weeks
- To continue an EHC Plan – immediately
- To cease (no longer maintain) an EHC Plan – immediately

Some of these timescales also apply when the local authority tells SEND Tribunal they do not oppose the appeal. If the local authority does not keep to the order within that time, you may have to apply to the Secretary of State for Education or the High Court to enforce it. You can also make a complaint to the Local Government Ombudsman by contacting the LGO Advice Team on 0845 602 1938 or by writing to:

Local Government Ombudsman

PO Box 4771

Coventry CV4 0EH

You can also visit their website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **What can I do if I am not happy about the decision?**

When the decision is issued, it will include a leaflet setting out in detail your right of appeal. The following is a brief outline of your options.

When you have received a decision, you may think that the decision is wrong in law or that there is another reason why SEND Tribunal should look again at the decision. If you think it is wrong in law, you can appeal to the Administrative Appeals Chamber of the Upper Tribunal but you must first ask for permission to appeal.

Guidance explaining how to make an application for permission to appeal against the decision and other applications that you can make following the decision is included with the decision.

## **Who can make an application?**

You can make an application if you have been involved in an appeal or claim before the First-tier Tribunal in a special educational needs or disability discrimination case. This includes if you are a parent, or person with parental responsibility, a local authority or a responsible body for a school.

## **What applications can I make?**

Following a decision of the First-tier Tribunal, you can make the following applications.

- You can apply for permission to appeal if you think that the decision was wrong in law.
- You can ask SEND Tribunal to review the decision because there has been a change of relevant circumstances since the decision was made.
- You can ask for the decision to be set aside in certain circumstances.

The three applications are explained in detail in the guidance sent with your decision.

## **When can I make an application?**

You must make an application so that it is received by SEND Tribunal no more than 28 calendar days from the date on the letter sent with the decision.

If you are applying more than 28 calendar days after the decision is sent, you will need to apply for an extension, giving the reasons why the application is late. If a tribunal judge does not agree to extend the time, your application will not be considered.



## List of useful addresses

<p>ACE Education 36 Nicholay Road London N19 3EZ Phone: 020 8407 5142 Website: <a href="http://www.ace-ed.org.uk">www.ace-ed.org.uk</a></p>	<p>AFASIC 20 Bowling Green Lane London EC1R 0BD Phone: 0845 355 5577 Website: <a href="http://www.afasic.org.uk">www.afasic.org.uk</a></p>
<p>British Deaf Association 18 Leather Lane London EC1N 7SU Phone: 020 7843 6000 Website: <a href="http://www.bda.org.uk">www.bda.org.uk</a></p>	<p>British Dyslexia Association Unit 8, Bracknell Beeches Old Bracknell Lane Bracknell, RG12 7RW Phone: 0845 251 9002 Website: <a href="http://bdadyslexia.org.uk">bdadyslexia.org.uk</a></p>
<p>Coram Children's Legal Centre University of Essex Wivenhoe Park Colchester CO4 3SQ Phone: 08088 020 008 Website: <a href="http://www.childrenslegalcentre.com">www.childrenslegalcentre.com</a></p>	<p>Council for Disabled Children National Childrens Bureau 9 Wakley Street London EC1V 1JN Phone: 020 7843 6000 Website: <a href="http://www.ncb.org.uk">www.ncb.org.uk</a></p>
<p>Council on Tribunals 81 Chancery Lane London, WC2A 1BQ Phone: 020 7855 5200 Website: <a href="http://www.council-on-tribunals.gov.uk">www.council-on-tribunals.gov.uk</a></p>	<p>Department for Education Sanctuary Buildings Great Smith Street London SW1P 3BT Phone: 0370 000 2288 Website: <a href="http://www.education.gov.uk">www.education.gov.uk</a></p>
<p>DIAL UK 39-45 Cavell Street London E1 2BP Phone: 020 7791 9000 Website: <a href="http://www.dlf.org.uk">www.dlf.org.uk</a></p>	<p>Equality &amp; Human Rights Commission Fleetbank House 2-6 Salisbury Square London EC4Y 8JX Phone: 0800 800 0082 Website: <a href="http://www.equalityhumanrights.com">www.equalityhumanrights.com</a></p>

<p>Down's Syndrome Association Langdon Down Centre 2a Langdon Park Teddington Middlesex TW11 9PS Phone: 0333 1212 300 Website: <a href="http://www.down-syndrome.org.uk">www.down-syndrome.org.uk</a></p>	<p>Haemophilia Society 1st Floor, Petershaw House 57a Hatton Gardens London EC1N 8JG Phone: 0800 018 6068 Website: <a href="http://www.haemophilia.org.uk">www.haemophilia.org.uk</a></p>
<p>Helen Arkell Dyslexia Centre Arkell Lane Frensham Farnham Surrey GU10 3BW Phone: 01252 792 400 Website: <a href="http://www.arkellcentre.org.uk">www.arkellcentre.org.uk</a></p>	<p>I CAN 8 Wakely Street London EC1V 7QE Phone: 020 7843 Website: <a href="http://www.ican.org.uk">www.ican.org.uk</a></p>
<p>IPSEA 24-26 Gold Street Saffron Walden CB10 1EJ Phone: 0845 602 9579 Website: <a href="http://www.ipsea.org.uk">www.ipsea.org.uk</a></p>	<p>KIDS 49 Mecklenburgh Square London WC1N 2NY Phone: 020 7520 0405 Website: <a href="http://www.kids.org.uk">www.kids.org.uk</a></p>
<p>Mencap 123 Golden Lane London EC1Y 0RT Phone: 0808 808 1111 Website: <a href="http://www.mencap.org.uk">www.mencap.org.uk</a></p>	<p>MIND 15-19 Broadway Stratford London E15 4BQ Phone: 0300 123 3393 Website: <a href="http://www.mind.org.uk">www.mind.org.uk</a></p>
<p>National Autistic Society 393 City Road London EC1V 1NG Phone: 0808 800 4104 Website: <a href="http://www.nas.org.uk">www.nas.org.uk</a> National Blind</p>	<p>Children's Society Bradbury House Market Street Highbridge Somerset TA9 3BW Phone: 01278 765 765 Website: <a href="http://www.nbcs.org.uk">www.nbcs.org.uk</a></p>

<p>National Deaf Children's Society</p> <p>15 Dufferin Street</p> <p>London EC1Y 8UR</p> <p>Phone: 0808 800 8880</p> <p>Website: <a href="http://www.ndcs.org.uk">www.ndcs.org.uk</a></p>	<p>National Parent Partnership</p> <p>8 Wakley Street</p> <p>London EC1V 7QE</p> <p>Phone: 020 7843 6058</p> <p>Website: <a href="http://www.parentpartnership.org.uk">www.parentpartnership.org.uk</a></p>
<p>National Sensory Integration Partnership (NatSIP)</p> <p>Website: <a href="http://www.natsip.org.uk">www.natsip.org.uk</a></p>	<p>National Society for Epilepsy</p> <p>Chesham Lane</p> <p>Chalfont St Peter</p> <p>Buckinghamshire SL9 0RJ</p> <p>Phone: 01494 601300</p> <p>Website: <a href="http://www.epilepsysociety.org.uk">www.epilepsysociety.org.uk</a></p>
<p>Network 81</p> <p>10 Boleyn Way</p> <p>West Clacton</p> <p>Essex CO15 2NJ</p> <p>Phone: 0845 077 4055</p> <p>Website: <a href="http://www.network81.co.uk">www.network81.co.uk</a></p>	<p>Parents for Inclusion</p> <p>336 Brixton Road</p> <p>London SW9 7AA</p> <p>Phone: 0800 652 3145</p> <p>Website: <a href="http://www.parentsforinclusion.org">www.parentsforinclusion.org</a></p>
<p>Royal Association for Disability and Rehabilitation (RADAR)</p> <p>12 City Forum</p> <p>250 City Road</p> <p>London EC1Y 8AF</p> <p>Phone: 020 7250 3222</p> <p>Website: <a href="http://www.radar.org.uk">www.radar.org.uk</a></p>	<p>Royal National Institute for the Blind</p> <p>105 Judd Street</p> <p>London WC1H 9NE</p> <p>Phone: 0303 123 9999</p> <p>Website: <a href="http://www.rnib.org.uk">www.rnib.org.uk</a></p>
<p>Scope</p> <p>6 Market Place</p> <p>London N7 9PW</p> <p>Phone: 0808 800 3333</p> <p>Website: <a href="http://www.scope.org.uk">www.scope.org.uk</a></p>	<p>Sense</p> <p>101 Pentonville Road</p> <p>London, N1 9LG</p> <p>Phone: 0845 127 0060</p> <p>Website: <a href="http://www.sense.org.uk">www.sense.org.uk</a></p>

## Glossary of terms for SEN Guidance Booklet

**Annual review:** the review of the contents of an EHC Plan which the LA must make within 12 months of completing the EHC Plan or as the case may be of the previous review.

**Academy:** is a type of school that is independent of Local Authority control but is publicly funded, with some private sponsorship. Free Schools, University Technical Colleges and Studio Schools are all types of Academy.

**Alternative Provision [AP]:** education arranged by local authorities for pupils who, because of exclusion, illness or other reasons, would not otherwise receive suitable education; education arranged by schools for pupils on a fixed period exclusion; and pupils being directed by schools to off-site provision to improve their behaviour.

**Bundle:** all of the documents submitted in the appeal will be issued back to the parties and the tribunal panel in one bundle marked into sections to identify the parents' evidence the LA's evidence, requests, directions and orders and any late evidence submitted in the appeal. The bundle is numbered so that everyone at the hearing will have the same set of documents and references.

**Carer:** the Code of Practice makes references to a carer as the person who is named by a local authority to care for a child for whom the social services department has parental responsibility ie a child who is the subject of a care order or who has been placed in a residential or foster placement. The carer may qualify as a parent for purposes of the Education Acts because they have care of the child (see definition of parent) if so they will have a role to play in the consideration of a child's special educational needs.

**Case management:** is a process where specific cases are looked at by a tribunal judge on the papers supplied by the parents and the Local Authority. After this process an order may be issued asking either the parent or the Local Authority to send in further information.

**Clerk:** A clerk is one of the administration members of staff within the tribunal service. A clerk is not legally qualified and is only able to deal with general queries.

**Code of Practice:** The Code of Practice for Special Educational Needs is not statutory in content but is guidance that is approved by parliament and was last revised in 2001. The LA must have regard to the Code in making all of its decisions, as must the Tribunal when considering an appeal.

**Decision:** Final document which is produced by the tribunal judge and members following the final hearing. This document will set out the final decision and sets out what the Local Authority are to do.

**Directions:** An order by a tribunal judge/registrar which parents and the Local Authority must comply with. It sets out further deadlines for specific information from either party of the appeal.

**Independent School:** a school that is not maintained by a local authority and is registered under section 464 of the Education Act 1996. Section 347 of the Education Act 1996 sets out the conditions under which an independent school may be approved by the Secretary of State as being suitable for the admission of children with EHC Plan of special educational needs.

**Individual Education Plan[IEP]:** the IEP is a planning, teaching and reviewing tool. It is a working document for all teaching staff recording key short-term targets and strategies for an individual pupil that are different from or additional to those in place for the rest of the group or class.

**Learning Support Assistant [LSA]:** a term for describing an assistant providing in school support for pupils with special educational needs and/or disabilities. An LSA can be dedicated support for one pupils or pupils providing close support to the individual pupil and assistance to those responsible for teaching him/her. Some assistants specialising in SEN may also be known by titles other than LSA as decided locally. Some LAs distinguish between LSAs and TAs Teaching assistants. Those with additional qualifications and paid at a higher grade are designated HLTAs Higher Level Teaching Assistants.

**Local authority:** the local government body responsible for identifying and assessing the child's needs. This will usually be the local authority for the area in which the child lives, but may be another authority if the child is in care or foster care. The relevant authority can change if the child's home changes to another local authority area.

**Maintained School:** any community foundation voluntary or community special or foundation special schools are maintained by the local authority.

**Non-maintained special school:** Schools in England approved by the Secretary of State under section 342 of the Education Act 1996 as special schools which are not maintained by the local authority but charge fees on a non-profit making basis. Most non-maintained special schools are run by major charities or charitable trusts.

**Occupational therapy:** the use of purposeful activity and play to help a child attain maximum levels of functional performance thus gaining self-esteem and independence. Motor, sensory, perceptual, social, emotional and self-care skills are assessed. Working with the child, parents and teachers, occupational therapists use therapeutic techniques (advising on equipment and environment adaptations where appropriate) to improve a child's ability to access the physical and learning curriculum.

**OfSTED:** Office for Standards in Education: a non-ministerial government department established under the Education (Schools) Act 1992 to take responsibility for the inspection of all schools in England. Her Majesty's Inspectors (HMI) forms their professional arm.

**Independent Advice and Support Services (IASS):** Funded by local authorities, the remit of IASS can vary widely depending on local arrangements. Their role is to provide neutral and factual support on all aspects of the SEN framework to help parents play an active and informed role in their child's education. They also provide support to Young People. Although funded by the local authority they provide a service to parents and Young People and are often either run at arms length from the LA or by a voluntary organisation to ensure parents have confidence in them.

**Permanent venue/venue:** This is the venue which you will attending for your final hearing. Permanent venue means that it is one of our venues which we hold hearings at on a weekly basis.

**Phase/Secondary transfer:** This is when your child is due to move from a primary school to secondary school.

**Physiotherapy:** the use of physical approaches in the promotion, maintenance and restoration of an individual's physical psychological and social well being.

**Pupil Referral Unit [PRU]:** any school established and maintained by a local authority under section 19(2) of the education Act 1996 which is specially organised to provide education for pupils who would not otherwise receive suitable education because of illness exclusion or any other reason. Further details are given in DfEE Circular 11/99 Chapter 6.

**Requests:** an application to ask for something which you require or wish to change.

**SEN Co-ordinator [SENCo]:** A SENCO is responsible for the day-to-day operation of the school's SEN policy. All mainstream schools must appoint a teacher to be their SENCO.

**Special educational needs:** the child's difficulties which prevents them from learning.

**Special educational provision:** the educational provision that a child requires that is additional to and different from that received by other children to enable them to learn.

**Speech and language therapy (SALT):** Speech and language therapists (SLTs) are allied health professionals. They work closely with parents, carers and other professionals, such as teachers, nurses, occupational therapists and doctors. There are around 13,000 practising SLTs in the UK

**Statutory assessment:** A statutory assessment is a detailed investigation to find out what your child's special educational needs are and what provision is needed to meet those needs. An assessment is the step before an EHC Plan, but doesn't always lead to an EHC Plan being issued. An EHC Needs Assessment is a Statutory Assessment.

**Telephone case management hearing [tcmh]:** Is a telephone call which takes place between the parent/parent representative, Local Authority representative and also the Tribunal Judge.

**Upper Tribunal:** is part of the administrative justice system of the UK. It was created in 2008 as part of a programme, set out in the Tribunals, Courts and Enforcement Act 2007, to rationalise the tribunal system, and to provide a common means of handling appeals against the decisions of lower tribunals. It is administered by Her Majesty's Courts and Tribunals Service.



HM Courts &  
Tribunals Service



# If you are not happy with a decision about Special Educational Needs (SEN)



EasyRead version of:  
How to appeal a SEN decision.  
SEND37.







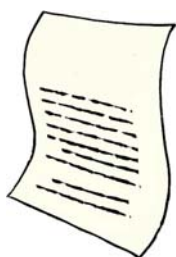
## About this guide

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## How to contact the SEND tribunal

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## Section 3. Before the hearing

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## Section 5. After the hearing

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## What the words mean

42

Some words are in **bold**.

There is a list of what they mean on the last page.



## Some useful organisations

45



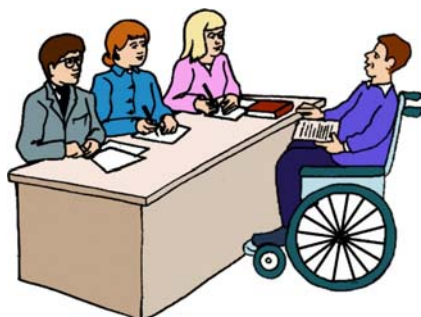
## About this guide

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**HM Courts and Tribunals Service** wrote this leaflet. We are part of the **Ministry of Justice**.



We make sure courts and **tribunals** work well and treat everyone fairly. A **tribunal** is a special court that looks at a problem or disagreement.



Usually a **tribunal** will hold a **hearing** to decide about your **case**.



The **SEND Tribunal** hears cases about:

- decisions local councils make about children and young people with **special educational needs and disabilities**



- a school that **discriminates** against a disabled child or young person.



This guide is about how to **appeal** to the **SEND Tribunal**.

You will need to download the right form from the website Court and Tribunal Forms for:



- **appeals** against a decision not to carry out an Education, Health and Care (EHC) assessment



- **appeals** against any other local council decision.

# How to contact the SEND tribunal

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Telephone:  
**01325 289350**

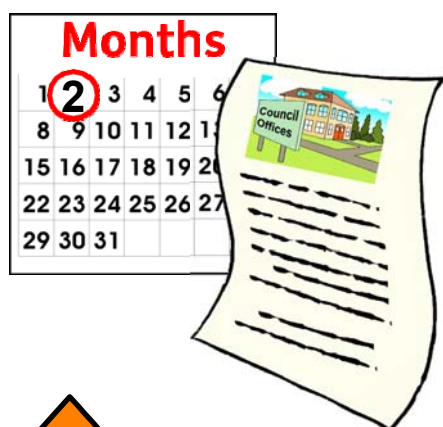


Email:  
**[send@justice.gov.uk](mailto:send@justice.gov.uk)**



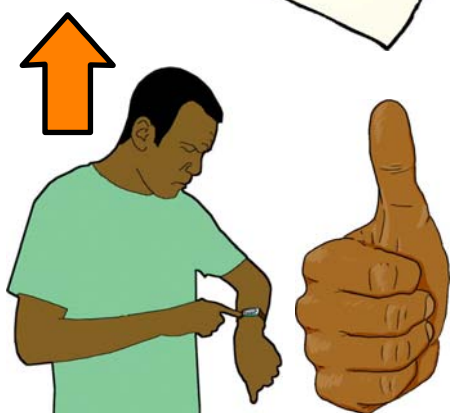
Write to:  
**First-tier Tribunal Special Educational  
Needs and Disability  
1st Floor Darlington Magistrates' Court  
Parkgate  
Darlington  
DL1 1RU**

# Section 1. Making an appeal



## When to appeal

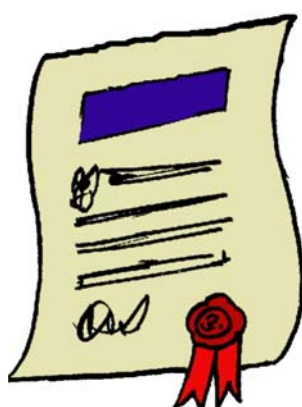
You must **appeal** to the **SEND Tribunal** within 2 months of the date on the letter telling you the council's final decision.



You can ask for more time if you have a good reason.



You should think about **mediation** before you **appeal**. This is when someone independent tries to help you and the council sort things out.



Even if you do not use **mediation**, in most cases, you will need a certificate from a **mediation** service before you **appeal**. You must ask for this within 2 months of the date on your letter from the council.



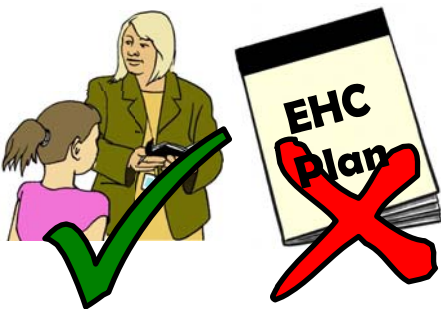
You have 30 days after the date on the **mediation** letter to appeal to the **SEND Tribunal**.

## What you can appeal about

You can **appeal** if your local council:



- refuses an **EHC assessment** when a child, young person, their parents or their school or college ask for it



- does the **assessment** but will not give the child or young person an **EHC Plan**



- does not support the **EHC Plan** or change it when the child's or young person's needs change





- has written or changed the **EHC Plan** and you disagree with what it says in these parts of the plan: Section B, Section F or Section I.

## Things the SEND Tribunal cannot decide

The **SEND Tribunal** cannot look at problems with:



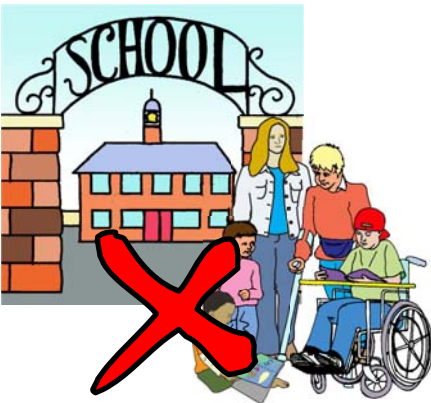
- how the council did the **assessment** or how long they took



- how the council, school or college give your child or a young person the support the **EHC plan** says they need



- section E of the **EHC plan** that says how things should turn out for them if your child or a young person gets this support



- **appeals** if your child or a young person cannot go to the school/college you or the young person want and they don't have SEN or a disability

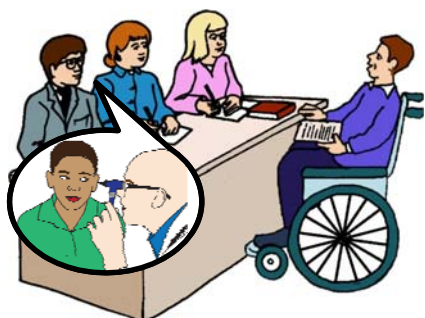


- **appeals** if your child is **excluded** (not allowed to go to school), unless you think this is discrimination because of their disability.



- the way the council writes something in these parts of your **EHC plan** A, J or K. You can ask the council to look at the plan again and change how they write something.

## The National Trial



The **SEND Tribunal** is taking part in a trial in which the **Tribunal** can make suggestions on the health and care parts of an **EHC plan**.



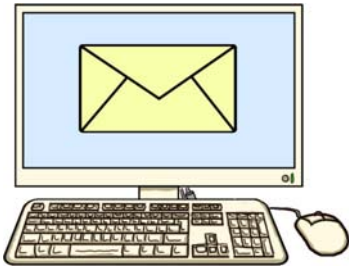
The **Tribunal** can only deal with applications for recommendations when there is an appeal against the education part of the **EHC plan**.

April 2018						
Mon	Tue	Wed	Thu	Fri	Sat	Sun
30						1
2	<b>3</b>	4	5	6	7	8
9		11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29

The trial started on 3 April 2018 and lasts at least 2 years. If you are unhappy with something the **Tribunal** cannot deal with, talk to your council, school or college first.



If you are still not happy, you can complain to the Secretary of State for Education.



Email:

**SEN.IMPLEMENTATION@education.gov.uk**



If they agree with you, they could ask the council, school or college to put things right.



You might also be able to complain to the **Local Government Ombudsman**. They are independent and deal with some complaints about councils and public services.



Write to:

**Local Government Ombudsman**  
**PO Box 4771**  
**Coventry**  
**CV4 0EH**



Telephone:  
**0845 602 1938**



Website:  
**[www.lgo.org.uk](http://www.lgo.org.uk)**

## Deciding whether to appeal



This guide tells you how to **appeal** but cannot say whether you will win or lose. Your council will tell you about groups that can help.



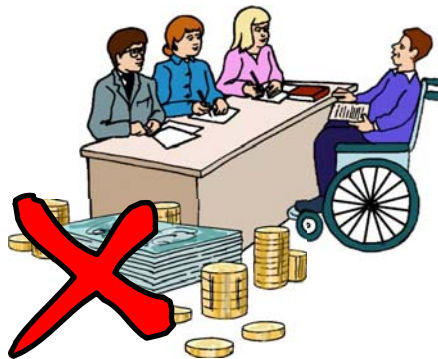
The council should also say which member of their staff will look at the things you are unhappy with.



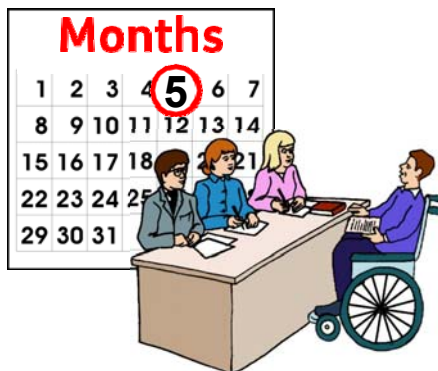


The person may tell you about an independent **representative** who could help with your **appeal**.

## About the tribunal



The **SEND Tribunal** is free and you can claim money to pay for your travel to a **hearing**.



An **appeal** can take up to 5 months. Usually, you will only go to one **hearing** but sometimes, in difficult cases, the **tribunal** needs to meet again or talk about your case in a telephone hearing.



You might need to collect **evidence** to prove why you think the school or council is wrong.



Some people can get money to help pay a **solicitor** for help with this. The Law Society or Citizens Advice can tell you more about this.

## Section 2. Starting an appeal



### When to appeal

Post your **appeal** form to the **SEND Tribunal**, they must get it within 2 months of the date on the letter with the council's decision.



If your **appeal** is late you can ask the **Tribunal** for more time if you post your **appeal** form as soon as possible and say:

- why it is late



- why you think the **appeal** should go ahead



- why it will not affect the council if the **appeal** is late





- why you cannot wait for your child's next review or assessment



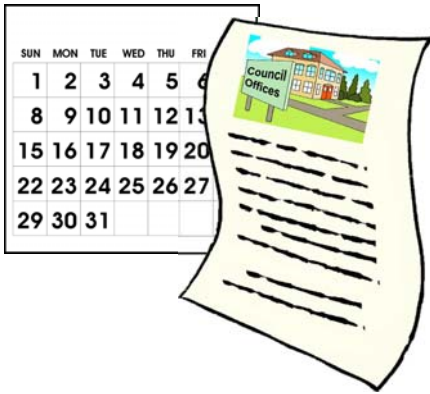
- anything else you think is important.

The **tribunal** judge will decide if it is fair for you to **appeal** late. If the judge refuses then the **appeal** stops.



You might get permission to **appeal** to the Upper Tribunal against the decision to refuse to accept the late appeal, but only if the **tribunal** made a mistake in law.

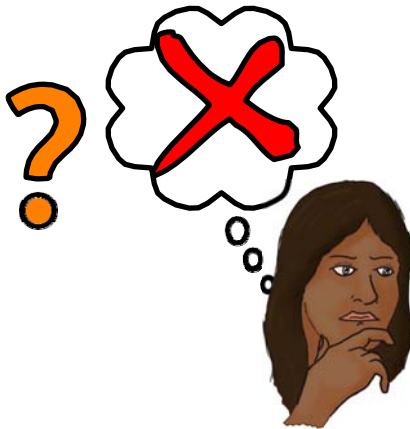
## Why you want to appeal to the SEND Tribunal



When you **appeal** you must tell us the date of the letter from the council and which of the decisions you disagree with.



You cannot just say you disagree with the decision.

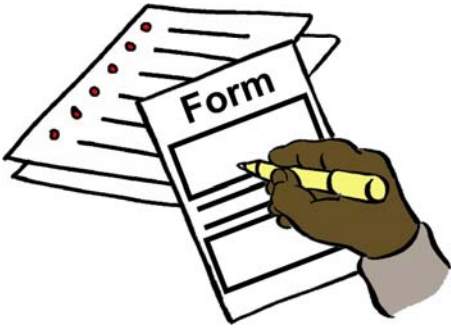


You do not have to write a lot but it is important to explain the **grounds** of your **appeal**. This means:

- why you think the decision is wrong



- what you want the **SEND Tribunal** to do.



If you have any **evidence** send it in with your form.

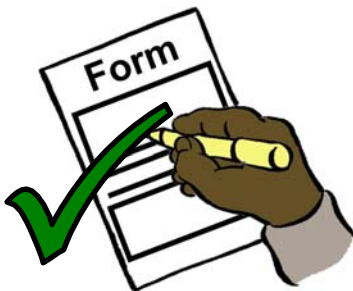


## The appeal form

Someone else can fill the form in, but everyone who is making the **appeal**, must sign it.



You can ask us to send any letters to your **representative** or to another person making the **appeal**. This means we will not send them to you.



You must put the right information on each part of the form.



**Section 1. Your child – or the young person** who the appeal is about.



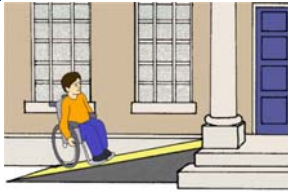
**Section 2. What you are appealing against** – this is where you explain why you are **appealing**.



**Section 3. Your appeal** – the decision you are **appealing** against.



**Section 4. Your contact details** – and contact details for your representative if you have one.



**Section 5. Special requirements** – any support you need with the **appeal** form or **hearing**.



**Section 6. Claims about disability discrimination** – say if you are already claiming for discrimination or if you want to know how to do this.



**Section 7. Checklist** – tick all the boxes to check you have all the information you need.



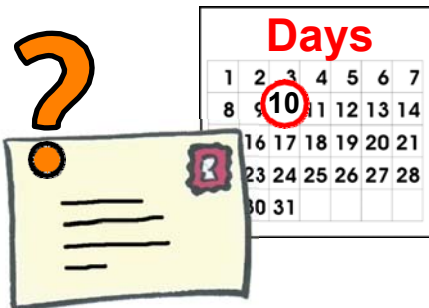
**Section 8. Signatures** – the **Tribunal** can only deal with your **appeal** if everyone signs the form.



## Section 9. Sending the appeal – where to send your form.



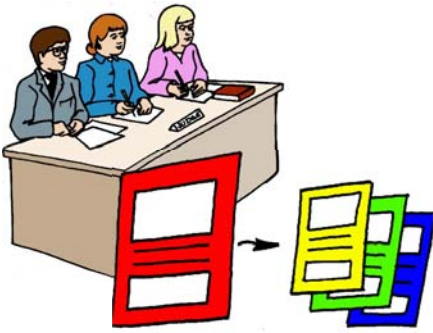
If anything is missing, the **Tribunal** will send the form back to you. They might not be able to look at your **appeal**.



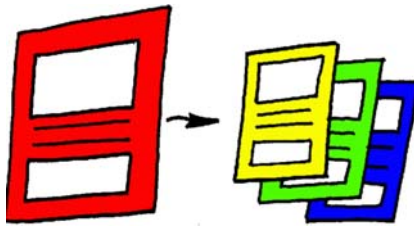
They will tell you what else you need to send them. You must send them in within 10 working days.



You can ask for more time. But if you send it back late and do not tell the **tribunal** why, your **appeal** will end.



You should send copies of papers to the **tribunal**, do not send the original documents.



But please only copy on one side of the paper.



Please tell us if you need extra help at court because of a disability. The tribunal staff will contact you about this.



Please also tell us if you need a foreign language interpreter.



## Section 3. Before the hearing



### After you send the appeal form

We will check your form to make sure your **appeal** meets the rules. We will do this in 10 working days.

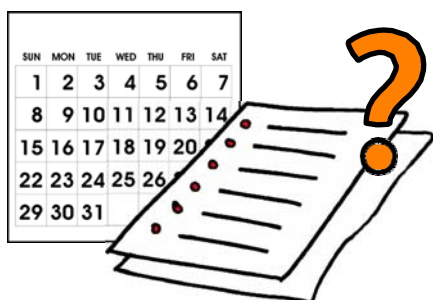


We will write to say we have your form and also:

- give you an **appeal** number to use if you talk to us about your case.



- tell you the fortnight when we will arrange your **hearing**



- tell you when you need to send the council and **Tribunal** information for the **hearing**





- give you other information about your **appeal**.

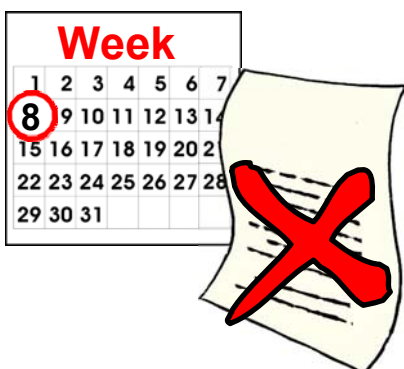


We will send a copy of your **appeal** to the council and ask them to reply. They should do this within 30 days.

## What the council will do with your appeal



The council will write to you and say if they agree with your **appeal**. They will send a copy to the **Tribunal**.



If this does not happen within 8 weeks of the **Tribunal** getting your **appeal**, please tell us in writing.



We will tell the council when to send their **evidence** and information to the **Tribunal**.



The council must tell the **Tribunal**:

- if they disagree with the **appeal** and why



- the facts they will use at the **hearing**



- what the child thinks about the decision, or why you could not find this out.



The council might want to talk to you about the **appeal** if they think they can sort things out without a **hearing**.



The council can apply to bring your **appeal** to an end if they think it is something the **Tribunal** cannot decide.



You will have the chance to say why you think this is wrong.

### If the council agrees with your appeal



If the council agrees to change the **EHC Plan** you can stop the **appeal**.



If the council agrees to do anything else you asked for then the **appeal** ends. The council have a set time to do what they say they will.



### If the council does not reply

If the council does not reply in time the **tribunal** will write to ask why.



A judge will look at their reply and can decide to stop the council being involved.

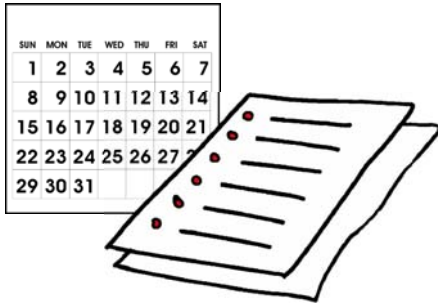


If this happens the **Tribunal** will either come to a decision using the papers or at a **hearing** without the council being there.



## Evidence and information

Try to send all your evidence to the **SEND Tribunal** with your **appeal** form.



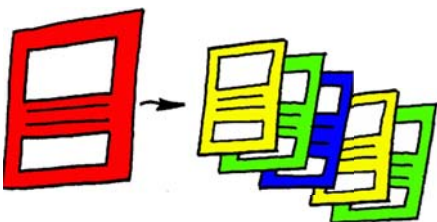
We tell you when you must send other **evidence** by.



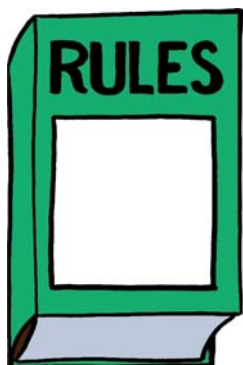
You must send copies of everything to the council as well.



Usually you cannot bring new **evidence** to the **hearing** unless there is a good reason and you have sent it to the council first.



You must bring 5 copies of the new **evidence** to give to the **tribunal** and other people at the **hearing**.



These rules are the same for you and the council.



If you cannot get information the **Tribunal** wants from another organisation, telephone the **tribunal** clerk to find out what to do.



People might talk about a **working document**.

This is a copy of the **EHC Plan** that you and the council use to show what changes you are asking the Tribunal to make.



The **SEND Tribunal** will look at this at the **hearing** and use it to make their decision.



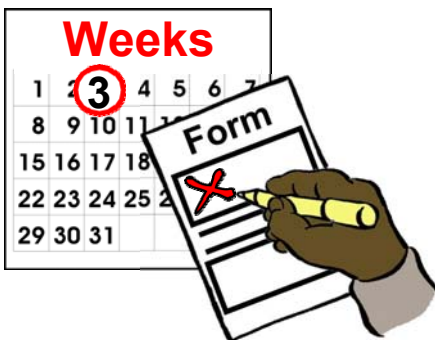


## Changing your appeal

You can only change the reason for your **appeal** if the **SEND Tribunal** agrees.



You must fill in a form to say what changes you want to make and why, send it to the council and when you have their reply, send both the form and the reply to the Tribunal.



You must also fill in a form if you want to stop the **appeal**. You should do this at least 3 weeks before the **hearing**.



If it is later than this, a judge can say the **hearing** must go ahead so you can explain why you want to stop the **appeal**.



If you move to another area you must tell the **SEND Tribunal**. Your new council might take over your **appeal**.



## Where the hearing will be

About 10 days before we will send the date and time of your **hearing** and tell you where it will be.

Days						
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Sometimes we have to change things close to your **hearing** date. But we will try our best to let you know at least 2 days before.



3 weeks before the **hearing**, a **tribunal** judge or registrar will look at the **appeal** and decide if it is ready for a **hearing** or if more information is needed.





A judge can ask for a telephone **hearing** if they think it might be difficult to solve the problem using the papers they already have.

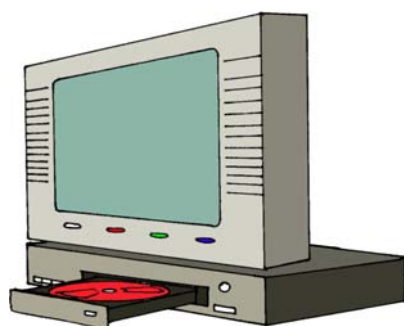
## Section 4. The hearing

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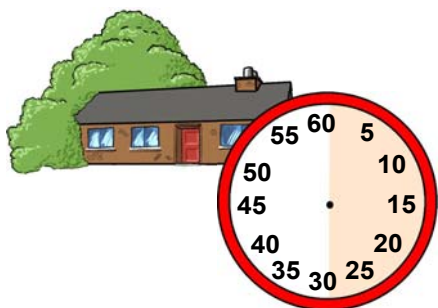
### About the hearing



There is a film on YouTube that shows what happens at a hearing of a **special educational needs tribunal**. Type 'special educational needs tribunal hearing' into the search box.



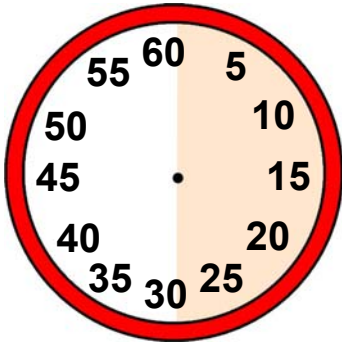
You can also ask the **SEND Tribunal** for a DVD.



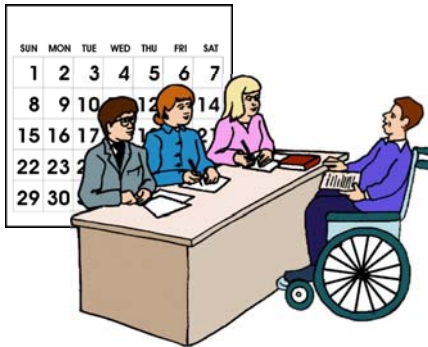
We try to make sure the **hearing** is less than an hour and a half away from your home.



**Hearings** can start at different times of the day. Check the letter carefully to see what time your **hearing** starts.



Please get there 30 minutes before it starts so you can find out what you need to do and ask any questions that you might have.



The **tribunal** might meet again if they need more time to look at things, they will arrange another date with you before you leave the **hearing**.



A judge will lead the **tribunal** and there will be one or two other people who know about children with special educational needs or disability or in a National Trial appeal, health and social care matters.



The judge will explain what will happen at the **hearing**.

## Who can go to the hearing



You can agree to a **hearing** where you do not attend. If it helps if the **tribunal** hear what you think and ask questions, then the **Tribunal** will not agree to a **hearing** on the papers.



If you and the council agree, the **tribunal** can decide the **appeal** by looking at the papers. This means you do not need to go to the **hearing**. You can use the **appeal** form to say you want this or tell the **Tribunal** later.



Your child can come to the **hearing** and tell the **tribunal** what they think. You must ask someone to come and look after them when they are not in the hearing.



Both parents can come to the **hearing**. Even if you are not living together you should still tell them about the **appeal**. You can tell us if you do not want them at the **hearing**.

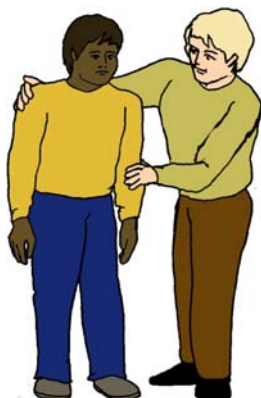


## Representatives and supporters

All **SEND tribunal** hearings take place in private.



A **representative** can go to the **tribunal** with you or instead of you. Please tell us about this on the appeal form.



You can bring someone else to support you at the **hearing**. But they cannot speak or be involved. You must tell us who is coming and the **SEND Tribunal** can decide who can come into the **hearing**.



## Witnesses

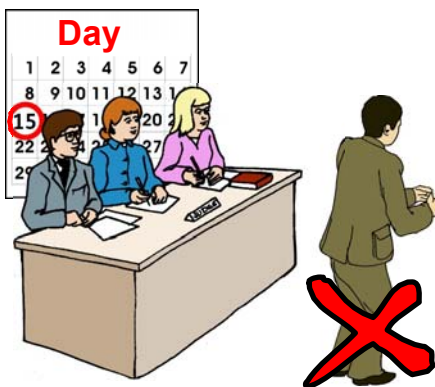
Please tell us if you want a **witness** to go to the **hearing**.



If you do not fill in the form to say who is coming the **tribunal** can decide to cancel the **hearing**.



You must ask us if you want to bring more than 3 **witnesses**.



If you want someone to be a **witness** but they will not come to the **hearing**, please let us know at least 15 days before the **hearing**. The **tribunal** can write and say the **witness** has to come if they agree with why you want them there.



## What happens at the hearing

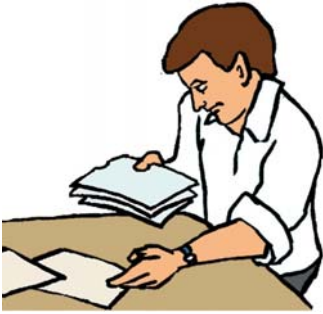
A **tribunal** is like a court in some ways:

- the law says what rules it must keep to





- it is independent and not part of the government



- it looks at questions, facts and the law



- it listens to **evidence** and makes decisions



- it must be fair to everyone.



But a **tribunal** is more relaxed than a court

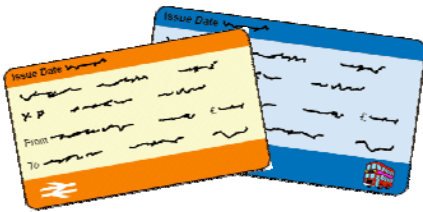


You will be able to ask the council and **witnesses** questions.

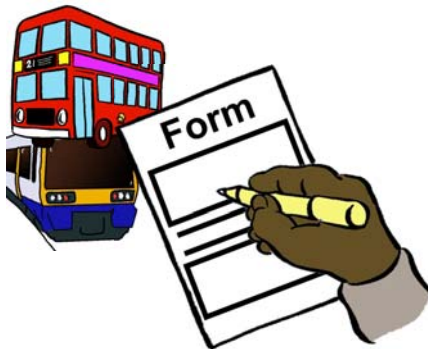


## Money to pay for travel to the hearing

We will tell you about travel costs when we send you the date of your **hearing**.



Please keep all your tickets and receipts.



You and your **witness** can fill in a form after your **hearing** and we will pay the cost of public transport into your bank account. You can only claim taxi fares if we agree this first.





Please contact us:

Telephone:  
**01325 392760** or



Email:  
**[sendistqueries@justice.gov.uk](mailto:sendistqueries@justice.gov.uk)**



Your **witness** can also claim loss of wages if their employer does not pay them while they are at the **hearing**.

## Section 5. After the hearing



### Telling you about the decision

The **tribunal** will write to tell you their decision and send a copy to the council. You should get this within 10 working days after the **hearing** has finished.



The council must do what the **SEND Tribunal** says within a set time. There are different times for different decisions.



If the council do not start when they should, you can ask the Secretary of State for Education or the High Court to make them do it.



Email:  
**SEN.IMPLEMENTATION@education.gov.uk**



You can also complain to the **Local Government Ombudsman**. They are independent and deal with some complaints about councils and public services.



Write to:  
**Local Government Ombudsman**  
**PO Box 4771**  
**Coventry**  
**CV4 0EH**



Telephone:  
**0845 602 1938**



Website:  
**[www.lgo.org.uk](http://www.lgo.org.uk)**



## If you are not happy with the decision

When the **tribunal** writes to tell you their decision they will also say how to **appeal**.



You must write to us within 28 days of the decision. Tell us what you think was wrong and why you want a new decision.



If you do it later than this you must explain why. A judge can decide whether the **appeal** can go ahead although it is late.

# What the words mean

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## **Accessible**

Easy to use or understand.

## **Appeal**

Ask someone independent to look at a decision that you think is wrong.

## **Decision**

A tribunal listens to all the evidence and then writes down what the council must do.

## **Discriminate**

Treat someone worse than other people because of who they are.

## **Education, Health and Care (EHC) assessment**

Find out what extra support a child or young person needs with their education, health and care.

## **EHC Plan**

This plan says how a school or college must support a child or young person with special educational needs.

## **Evidence**

Facts and information that prove whether something has happened or is required to happen.

## **Grounds**

Your reasons for saying, doing or believing something.

## **Hearing**

An official meeting that listens to the information and evidence and then decides on the facts and makes a decision.

## **Local Government Ombudsman**

This is an independent organisation that deals with complaints about councils and public services. Usually when you are not happy with the way the organisation dealt with your complaint.

## **Mediation**

When someone independent tries to help you and the council sort things out by meeting and talking.

## **Ministry of Justice**

The part of the UK government department that manages the police, courts, probation service, prisons and other parts of the justice system.

## **Representative**

Someone who speaks or acts for another person with their permission.

## **Solicitor**

Someone who has training and qualifications in the law and can give advice and speak for you in some courts and in tribunals.

## **Special Educational Needs (SEN)**

When a child or young person has a learning problem or disability that makes it more difficult for them to learn than other people who are the same age.

**Tribunal**

A special court that look at a problem or disagreement between a person and a government office.

**Witness**

Someone who has information or evidence to help the tribunal decide.

## Some useful organisations



- **ACE Education**  
36 Nicholay Road, London. N19  
3EZ Telephone: 020 8407 5142  
Website: [www.ace-ed.org.uk](http://www.ace-ed.org.uk)



- **AFASIC**  
20 Bowling Green Lane, London. EC1R  
0BD Telephone: 0845 355 5577  
Website: [www.afasic.org.uk](http://www.afasic.org.uk)



- **British Deaf Association**  
18 Leather Lane, London. EC1N  
7SU Telephone: 020 7843 6000  
Website: [www.bda.org.uk](http://www.bda.org.uk)



- **British Dyslexia Association**  
Unit 8, Bracknell Beeches, Old Bracknell  
Lane, Bracknell. RG12 7RW  
Telephone: 0845 251 9002  
Website: [bdadyslexia.org.uk](http://bdadyslexia.org.uk)



- **Coram Children's Legal Centre** University of Essex,  
Wivenhoe Park Colchester  
CO4 3SQ Telephone: 08088  
020 008 Website:  
[www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)





- **Council for Disabled Children**  
National Childrens Bureau, 9 Wakley Street, London. EC1V 1JN  
Telephone: 020 7843 6000  
Website: [www.ncb.org.uk](http://www.ncb.org.uk)
- **Council on Tribunals**  
81 Chancery Lane, London. WC2A 1BQ  
Telephone: 020 7855 5200  
Website: [www.council-on-tribunals.gov.uk](http://www.council-on-tribunals.gov.uk)



Department  
for Education

- **Department for Education**  
Sanctuary Buildings, Great Smith Street, London. SW1P 3BT  
Telephone: 0370 000 2288  
Website: [www.education.gov.uk](http://www.education.gov.uk)



 Shaw Trust

*DLF is part of Shaw Trust*

- **DIAL UK**  
39-45 Cavell Street, London. E1 2BP  
Telephone: 020 7791 9000  
Website: [www.dlf.org.uk](http://www.dlf.org.uk)



Equality and  
Human Rights  
Commission

- **Equality & Human Rights Commission**  
Fleetbank House, 2-6 Salisbury Square, London. EC4Y 8J  
Telephone: 0800 800 0082  
Website: [www.equalityhumanrights.com](http://www.equalityhumanrights.com)



- **Down's Syndrome Association**  
Langdon Down Centre, 2a Langdon  
Park, Teddington, Middlesex.  
TW11 9PS  
Telephone: 0333 1212 300  
Website: [www.down-syndrome.org.uk](http://www.down-syndrome.org.uk)



- **Haemophilia Society**  
1st Floor, Petershaw House,  
57a Hatton Gardens, London. EC1N  
8JG  
Telephone: 0800 018 6068  
Website: [www.haemophilia.org.uk](http://www.haemophilia.org.uk)



- **Helen Arkell Dyslexia Centre**  
Arkell Lane, Frensham,  
Farnham, Surrey. GU10 3BW  
Telephone: 01252 792 400  
Website: [www.arkellcentre.org.uk](http://www.arkellcentre.org.uk)



- **I CAN**  
8 Wakely Street, London. EC1V 7QE  
Telephone: 020 7843  
Website: [www.ican.org.uk](http://www.ican.org.uk)



- **IPSEA**  
24-26 Gold Street, Saffron Walden  
CB10 1EJ  
Telephone: 0845 602 9579  
Website: [www.ipsea.org.uk](http://www.ipsea.org.uk)



- **KIDS**  
49 Mecklenburgh Square, London.  
WC1N 2NY  
Telephone: 020 7520 0405  
Website: [www.kids.org.uk](http://www.kids.org.uk)



- **Mencap**  
123 Golden Lane, London. EC1Y  
0RT Telephone: 0808 808 1111  
Website: [www.mencap.org.uk](http://www.mencap.org.uk)



- **MIND**  
15-19 Broadway, Stratford, London.  
E15 4BQ  
Telephone: 0300 123 3393  
Website: [www.mind.org.uk](http://www.mind.org.uk)



- **National Autistic Society**  
393 City Road, London. EC1V  
1NG Telephone: 0808 800 4104  
Website: [www.nas.org.uk](http://www.nas.org.uk)



- **National Blind Children's Society** Bradbury House, Market  
Street, Highbridge, Somerset.  
TA9 3BW Telephone: 01278 765  
765 Website: [www.nbcs.org.uk](http://www.nbcs.org.uk)



- **National Deaf Children's Society**  
15 Dufferin Street, London. EC1Y 8UR  
Telephone: 0808 800 8880  
Website: [www.ndcs.org.uk](http://www.ndcs.org.uk)



- **National Parent Partnership**  
8 Wakley Street, London. EC1V 7QE  
Telephone: 020 7843 6058  
Website: [www.parentpartnership.org.uk](http://www.parentpartnership.org.uk)



- **National Sensory Integration Partnership (NatSIP)** Website: [www.natsip.org.uk](http://www.natsip.org.uk)



- **National Society for Epilepsy**  
Chesham Lane, Chalfont St Peter, Buckinghamshire. SL9 0RJ  
Telephone: 01494 601300  
Website: [www.epilepsysociety.org.uk](http://www.epilepsysociety.org.uk)



- **Network 81**  
10 Boleyn Way, West Clacton, Essex. CO15 2NJ  
Telephone: 0845 077 4055  
Website: [www.network81.org.uk](http://www.network81.org.uk)



- **Parents for Inclusion**  
336 Brixton Road, London. SW9 7AA  
Telephone: 0800 652 3145  
Website:  
[www.parentsforinclusion.org.uk](http://www.parentsforinclusion.org.uk)



- **Royal Association for Disability and Rehabilitation (RADAR)**  
12 City Forum, 250 City Road, London. EC1Y 8AF  
Telephone: 020 7250 3222  
Website: [www.radar.org.uk](http://www.radar.org.uk)



- **Royal National Institute for the Blind** 105 Judd Street, London. WC1H 9NE Telephone: 0303 123 9999  
Website: [www.rnib.org.uk](http://www.rnib.org.uk)



- **Scope**  
6 Market Place, London. N7 9PW  
Telephone: 0808 800 3333  
Website: [www.scope.org.uk](http://www.scope.org.uk)



- **Sense**  
101 Pentonville Road, London. N1 9LG  
Telephone: 0845 127 0060  
Website: [www.sense.org.uk](http://www.sense.org.uk)



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