

Appealing to the SEND Tribunal

After you've sent in your appeal



S | E | N | D | I | A | S | S

H E R T F O R D S H I R E

Aims of Today



Know what happens after you have submitted your appeal

Understand the paperwork you will receive and what information you can submit

Know what happens at a hearing and afterwards

Understand everyone's role

Know where to go for further support

Tribunal Jargon Buster

Appellant:	Parent/carer or young person
Respondent:	LA
Bundle:	All the paperwork for the hearing
Paper hearings:	Appeal will be on papers only (you do not attend)
Oral hearings:	Where you attend in person
Case directions:	What must be done and by when when
Working document:	EHCP with agreed changes and outstanding points
Case management:	Managed by a judge prior to hearing
Order of Tribunal:	The decision and what has to happen next
SEND Tribunal:	This is where you have sent your appeal application

Tribunal Timetable

Week number following registration of appeal	Action
Weeks 0-6	LA must respond to tribunal and parent/yp <ul style="list-style-type: none">• What they agree with• What they are resisting• The legal points they are relying on• If section 1 – costs of placements
Week 8	Final deadline for evidence
Week 9	All parties send in attendance form LA issue the evidence bundle
Week 12	Hearing
Week 14	Decision

Sending in Evidence



Index what you send



Send in a chronology



Only send in photocopies



When the LA respond – you can make a response to their arguments – send this to LA and SEND tribunal

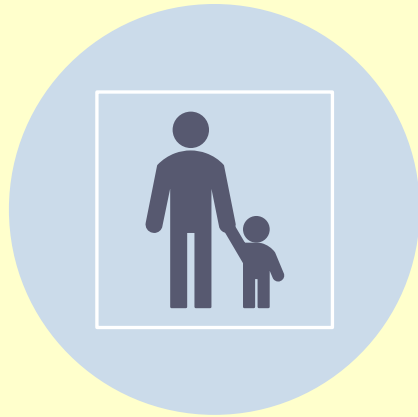


Any evidence that you send to the tribunal you must also send to the LA – this is very important

Examples of evidence

- 👤 Observations and recommendations from expert education, health and social care professionals
- 👤 Teachers reports
- 👤 Parents views and experiences
- 👤 Childs/YP views
- 👤 Annual reviews
- 👤 Private assessments
- 👤 Written statements from those that are involved with the child/YP
- 👤 Home- school diaries
- 👤 Exclusion letters
- 👤 SEN support plans & evidence

Late Evidence



If either the local authority or parent/carer seeks to submit late evidence after the final evidence deadline, a copy of the evidence must be sent to the other party and to the tribunal.



The evidence will be considered at the final hearing



The tribunal **do not** have to accept late evidence

The Bundle

There are page limits that the Tribunal will accept on bundles, depending on what is being appealed:



- **Section B, F & I** - 175 pages each per party
- **Section B and/or F** - 100 pages each per party
- **Section I** - 75 pages per party
- **Health and Social care recommendations** - 50 pages each party

Witnesses


Tribunal normally limit the number of witnesses to 3



Witnesses need to be able to help prove a point that you are relying on



You can ask a witness to be summonsed by the tribunal



The summons is sent to parent/YP to serve to the witness

Working Document

Normal type

Original EHC plan

Underlined type/ ~~Underlined strikethrough~~

Amendments agreed by both parties

Bold type

Parents' proposed amendments

~~**Bold strikethrough**~~

Parents' proposed deletions

Italic type

LA's proposed amendments

~~*Italic strikethrough*~~

LA's proposed deletions

Telephone Case Management Hearing

Way of receiving directions

It is not a final hearing

Lasts approximately 30 minutes

You or the LA can seek a telephone case management hearing

The Hearing

- It will be virtual and there will be joining instructions, these are important and must be followed
- Relaxed and as informal as possible
- Usually one or two days
- There will be a judge one or two specialist panel members
- Your child may attend and be part of the hearing



Children & Young People attending the meeting

Children and YP views taken before the hearing.

Children cannot stay for the full hearing

Young People over 16 can attend the whole hearing

After the Hearing

The Tribunal decision will be communicated to you and the local authority, within **10 working days** of the hearing.

Following the decision, the local authority must comply with these timescales:



- **To start the assessment or re-assessment process** - 4 weeks
- **To make an EHC plan** - 5 weeks
- **To amend the EHC plan** - 5 weeks
- **To amend the school/college/institution** - 2 weeks
- **To continue an EHC plan** - immediately
- **To cease an EHC plan** – immediately

Concede, Withdraw or Consent

LA can only concede an appeal before their response date. After this the only way the appeal can be concluded is:

- 1) Decision by tribunal
- 2) Parent/YP withdraws the appeal with the tribunals consent (SEND 8)

If the appeal is withdrawn after the response date then the LA will not be held to the time limits of completing the agreed actions so parents/yp should ask for a consent order from the tribunal rather than withdraw

Useful Contacts

Hertfordshire SENDIASS

www.hertssendiass.org.uk

Email: Info@hertssendiass.org.uk

Telephone: 01992 555847

IPSEA

www.ipsea.org.uk

Tribunal helpline: 01799 582 030

First-tier Tribunal (Special Educational Needs and Disability)

Telephone: 01325 289 350
send@hmcts.gsi.gov.uk

Contact

Phone: 020 7608 8700

Email: info@contact.org.uk