



How to appeal a Special Educational Needs and Disability (SEND) Decision

A guide for parents

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

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

SEND 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, 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.

Contact

The tribunal's contact details are:

By phone: 01325 289350

By fax: 0870 739 4017

By email: SENDISTQUERIES@hmcts.gsi.gov.uk

In writing to:

HM Courts & Tribunals Service

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 local authority's decision letter, giving their final written decision.

If the appeal requires a mediation certificate to be sent to the tribunal before the appeal can be registered, then the date for making the appeal will be one month from the date of the mediation certificate if it is later than the two month deadline.

Even if you have missed the two month deadline, you can ask the tribunal to consider extending the time for making the appeal by explaining why your appeal is late.

Even after an appeal has been made, the parents and the local authority should continue to try to reach agreement by discussing the case.

What can I appeal?

You can appeal if the local authority:

- refuses to secure an EHC needs assessment of the child's special educational needs, following a request by the parents or school;
- refuses to secure an EHC plan, after concluding an EHC needs assessment;
- refuses to arrange a reassessment of the child's special educational needs (following a request by the parent or child's school) if the local authority has not made an assessment for at least six months;
- decides to stop maintaining the child's EHC plan;
- decides not to replace or amend the EHC plan following a review;
- decides not to change the EHC plan after reassessing the child; or
- has made an EHC plan or has amended or replaced a previous EHC plan and you disagree with one or all of the following:
 - The part which describes the child's special educational needs.
 - The part which sets out the special educational provision (help) that the local – authority thinks the child should receive.
 - The school or type of school named in the EHC plan.
 - The local authority not naming a school in the EHC plan.

Are there any issues the tribunal cannot deal with?

The tribunal cannot deal with a case if the issue is:

- the way the local authority carried out the assessment, or the length of time that it took;
- how the local authority or the school is arranging to provide the help set out in the child's statement;
- the way the school is meeting your child's needs when there is no EHC plan in place at SEN support;
- the information about non-education health and social care needs or how the local authority plans to meet those needs; or

Depending on the circumstances, the tribunal may not be able to consider an appeal if your child is over 16 and not on the roll of a school, or is going to a further or higher-education college.

Who deals with the issues we cannot deal with?

You should discuss your concerns with the child's school or the local authority. If you are still not happy, you can complain to the Secretary of State for Education. If he agrees with your complaint, he may ask the school or the local authority to take action to put things right.

You can get a guidance booklet from:

DfE Publications Centre

PO Box 5050

Sherwood Park

Annesley

Nottingham, NG15 0DG

Phone: 0845 60 222 60

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

Should I appeal?

The guide deals with how to appeal. It cannot advise on the strength of your case. The 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.

Mediation

Before making an appeal about the assessment of EHC needs or the need for or contents of an EHC plan, it will be necessary for you to engage with a mediation adviser who will be able to provide information about mediation. Once you have received the information from the mediation adviser, you can do one of two things:

- a) You can choose to access mediation and inform the mediation adviser of that intention.
- b) You can tell the mediation adviser that you do not wish to engage in mediation;

If you inform the mediation adviser that you do not wish to engage in mediation, the mediation adviser must provide you with a mediation certificate confirming that you do not wish to engage in mediation within three working days of your notification.

If you wish to engage in mediation, then the LA must make arrangements for mediation to take place within 28 days and the LA is required to engage with mediation. A mediation certificate will be issued within three working days of the completion of the mediation.

If the local authority fails to arrange mediation within 28 days, then the mediation adviser must issue a mediation certificate confirming the position within three working days.

If you have not obtained a mediation certificate at the end of the two month deadline for making the appeal, you can apply to the tribunal for leave to appeal without a mediation certificate by making an application in writing for leave to appeal explaining the reasons why you do not have a certificate. The tribunal will only give leave to appeal without a mediation certificate if you can show that the circumstances are exceptional.

You do not need a mediation certificate where the appeal is against the school or institution named in the plan, the type of school or institution named in the plan or the fact that there is no school or institution or type of school or institution named in the plan.

If you have a mediation meeting and no agreement is reached, you can pursue your appeal to a tribunal hearing, and the tribunal panel will not know about the discussions that took place.

Can I get advice about whether I can appeal?

The local authority is required to notify you of your right of appeal to the tribunal and the time limit for doing so, your requirement to consider mediation and the availability of information, advice and support and disagreement resolution services. The following groups may be able to give you advice.

- A local information and advice service;
- A voluntary organisation which helps people with special needs
- A parents' group
- An independent parental supporter
- The National Advice Organisations

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

The groups above 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 Bureau (CAB) will be able to give you the names of organisations who offer public funding and are experienced in education matters. You will not be able to get public funding for a lawyer to represent you at the hearing.

What is likely to be involved?

The tribunal's service is free. Unlike going to court, there are no fees involved.

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 attend 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 all the necessary evidence to be considered.

Tribunal decisions must be based on evidence, so preparing the appeal will involve you in gathering evidence to support your case.

Section 2 - Starting an appeal

Time limits

The tribunal must receive the appeal within two months of the date on the letter from the local authority giving you their decision or one month from the date of the mediation certificate if later.

If you miss this deadline, a tribunal judge may extend the time for making the appeal but you must ask for the extension by:

- sending your completed appeal form as soon as possible; and
- explaining why the appeal is late giving full reasons.

The tribunal judge may allow an extension if there are special circumstances which prevented the appeal being made in time.

If the tribunal judge allows the extension, the appeal will be registered. If the judge refuses an extension, the appeal will go no further and the tribunal will return all your submitted appeal documents with an explanation of why the tribunal are unable to register your appeal.

You can also apply for leave to appeal without a mediation certificate if the circumstances are exceptional, by setting out in writing the reasons why the mediation certificate has not been obtained. A tribunal judge will consider your application and decide whether the circumstances justify granting leave to appeal.

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. 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 the tribunal to do. Read the questions on the appeal form carefully and answer them as fully as possible to give the Tribunal as much information as possible about the appeal.

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

The appeal form

Parents' Appeal Application Form

Section 1 – Your child's details – 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 – Checklist - Go through the list and tick the boxes to make sure that you have provided all the necessary information.

Section 6 – Signatures – all parties to the appeal must sign the appeal form. Without signatures, we cannot accept the appeal.

Section 7 – Sending the appeal – explains where to send the completed appeal form.

Frequently asked questions

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 the tribunal. If the tribunal does not have the correct papers to register the appeal, the appeal form and supporting papers will be returned to you with a list of what else the tribunal requires. If you cannot return the documents within the two-month deadline, the 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 and explain why they are late.

In some cases, an appeal can be registered even if the tribunal does not have all the documents. If that happens, the 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 send to the 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 the tribunal will only send any information about the appeal to one person named on the appeal form. The choice is yours (see section 4 of 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, the tribunal will send it all to the representative. You must let the 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. The tribunal will write to you to confirm that the appeal has been registered and notify you of the date of the final hearing of the appeal. The appeal number should be used whenever you contact the tribunal about your appeal.

When the appeal is registered, case directions and an attendance form are issued. These will set dates by which you must take action, and when to send the local authority and the 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 the 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 of the appeal form and supporting documents are sent to the local authority, which will also be issued with directions setting out the time limits for sending us documents, providing details of witnesses and the request form.

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 the tribunal. If you do not receive the response within eight weeks of your appeal being registered, you should notify the tribunal in writing.

The local authority will have the same timetable to send further information and evidence as are 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 us what the child thinks about the issues in the appeal. Generally, local authorities must find out children's views wherever possible. 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, we 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 (a consent order).

If the appeal is about a decision not to secure an EHC needs assessment or reassessment, not to issue an EHC plan, or to no longer maintain an EHC plan statement, and the local authority does not oppose it, the appeal will come to an end. The local authority will have to do what they have agreed to do within a fixed time limit, fixed by regulations (see page 17)

What if the local authority does not send you or the tribunal a response?

If the local authority does not send a response by the end of the time in which they have to reply, the tribunal can do a number of things, including barring them from taking further part in the appeal. Before deciding what to do, the 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, the tribunal judge will decide whether your case can be dealt with on the papers or whether there should be a hearing, without the local authority.

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 when you can send other documents.

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, the 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.

What if the local authority has more evidence?

The same rule applies to the local authority as the parents.

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

The tribunal has the power to order the production of a document. If you apply well before the hearing using the request form found on the tribunals form finder webpage, 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 department or children's department.

Can I change my appeal?

The tribunal must agree to any changes to the grounds of appeal. A request must be made in writing on the request form. You can get a form by phoning us or by visiting our website, at www.sendist.gov.uk

On the form, set out the changes you want to make and the reasons for the amendments. Send a copy of the form to the local authority.

Can I withdraw my appeal?

The appeal can be withdrawn with the agreement of a tribunal judge. If you inform the tribunal and the local authority 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 form and explain why you wish to withdraw.

If you want to withdraw less than 15 days working days before the hearing, you need to make the application in writing on our request form setting out the reason 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.

If you want to withdraw the appeal within 5 working days of the final hearing, then you may be directed to attend before a Tribunal Judge with a representative from the local authority to explain the sequence of events which has led to the late cancellation of the hearing. It will not be necessary for you to bring your witnesses to the hearing, but you should be prepared to explain what has led to the cancellation and why it has happened so late in the process. The hearing should take no longer than 15 minutes and the Judge will issue an order disposing of the appeal at the conclusion of the hearing. If you do not attend, the appeal will be struck out.

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

You must inform the tribunal immediately if you move house. If you move to another area, we 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 case-management process and a new timetable for supplying evidence. The old local authority will take no further part in the appeal.

Telephone case management hearings

Sometimes, when a party makes an application for an order or requests a change to the directions, it is necessary for the tribunal to arrange a telephone case management hearing to consider that issue. This is not a final hearing of the appeal, but a hearing to deal with the particular issue that has arisen. The direction setting up the telephone hearing provides dial-in codes and instructions for both parties explaining what to do to join the hearing. The hearing is conducted by means of a multi-party telephone call, involving the parties, their representatives and a tribunal judge. The judge will chair the hearing and ensure that everyone has an opportunity to express their views on the issue under consideration. It is possible for any number of persons to join the hearing, using individual telephones and locations. The hearings are usually scheduled to last not more than 30 minutes but in difficult applications may last up to an hour. The telephone number is a freephone number and will be free of charge from a landline. There may be a charge for mobile phone users, depending on your provider. During the hearing, the judge will ask each party's views and will make a decision on the issue under consideration or may reserve the decision for issue in written form. In both cases, a copy of the decision and/or directions will be sent to the parties within a few days, confirming the decision in writing.

Active Case Management calls

Appeals which go to hearing may be the subject of a telephone call about a week after the exchange of final documentary evidence, to identify whether there is any judicial input required to ensure that the hearing is effective. A legally qualified tribunal registrar will telephone each party individually with a list of questions to ask about the appeal and the extent to which the position may have changed or is likely to change before the hearing. You should prepare for the call by checking the evidence that you have received and reviewing whether the issues in the appeal have been narrowed through agreement during the course of the appeal. Is it still necessary for you to call all of your witnesses or do you need to submit a revised attendance form? Is there an issue which may make it necessary for the hearing to be postponed to allow further evidence to be submitted? The Registrar will take a view following the calls to both parties whether it is necessary to make further directions or arrange a telephone case management hearing with the judge.

Working documents

In appeals which involve a request to change the description of the child's difficulties or the provision necessary to meet the needs, the tribunal has issued guidance on the preparation and submission of a 'working document'. A working document is a copy of the description of the child's learning difficulties and special educational provision within the EHC Plan setting out the amendments sought and proposed by both parties. The Tribunal directs the local authority to send to the parents' an electronic copy of the relevant parts of the EHC Plan with the response to the appeal, setting out those amendments to which they agree, or those in respect of which they are making counter-proposals. The parties can amend and exchange the working document as many times as they like during the lifetime of the appeal, but must complete the discussions so that the local authority can send a final working document which sets out each parties' position so that it is received by the tribunal ten working days before the hearing.

THE TRIBUNAL ONLY WANTS TO SEE THE FINAL AGREED VERSION OF THE WORKING DOCUMENT.

Paper hearings

With the consent of both parties, and if the tribunal decides that it is an appropriate case, the tribunal can make a decision in an appeal on the papers, without having the parties attend a hearing. If you would like your appeal dealt with on the papers, then you should tick the box on the appeal form indicating your consent to a paper hearing. If both parties have indicated their consent to a paper hearing, and the tribunal judge decides that it is an appropriate case, then the appeal is likely to be concluded more quickly than if it is listed for oral hearing, because it will be dealt with as soon as a panel is available after the date for final evidence has passed.

Letting you know about the place for your 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.

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 the tribunal for a copy of this DVD.

Where will my hearing be held?

Appeal hearings are held at family courts and tribunals buildings as close as possible to your home. We aim 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. Check the start time carefully on the notice of hearing letter you receive with the tribunal hearing bundle. Please arrive 30 minutes before the hearing time so that you can meet the 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 consider 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 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 have made the appeal and it is helpful for you to attend the hearing to give evidence and explain your case. 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 both parties agree that the appeal can be concluded on the papers, then it will not be necessary for you to attend the hearing, but you will be given an opportunity to present all of your issues and arguments about the appeal on paper in advance of the hearing, and these will be taken into consideration by the tribunal panel hearing the appeal.

In exceptional cases, where the issues are particularly complex or difficult and the tribunal panel decides that there is inadequate evidence to make a decision, they may decide to adjourn the paper hearing and direct an oral hearing of the appeal.

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 Legal Aid is not available for this 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. The tribunal requires the parent making the appeal to notify all others having parental responsibility for the child about the existence of the appeal. If both parents' details are included in the notice of appeal, then the tribunal will share information with both parents if they contact the tribunal with enquires about the appeal.

If, for some reason, you do not want the other parent to come to the hearing, you must tell the tribunal why not. 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 and if the tribunal panel agrees. 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. The tribunal has the power to exclude any person from the hearing. SEND hearings are conducted in private, and only those people who have been notified by the parties as attending, such as representatives or witnesses will be allowed to attend and a judge must consent to the attendance of any additional persons. If an observer is permitted as an additional supporter or for training purposes, they will not be allowed to take part in the hearing.

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

Witnesses

Do I need to say if I am bringing witnesses?

Yes, you must inform the tribunal on the attendance form who you will be bringing with you. If the information is not provided, your witness may be prevented from taking part or even being in the room where the hearing is held. If you change your witnesses, you should tell the 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 we aim to conclude every hearing within a day and that the focus is on 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 and explain why it is necessary for the witnesses to attend to give oral evidence. Your request should explain why the evidence cannot be provided on paper in the form of a report or witness statement, and why it is necessary for witness to attend in person. There is no limit on the documentary evidence parties can produce, consequently it may be as effective for you to submit a statement in writing from the witness for the tribunal to consider. The 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, you can write explaining why you feel it is important they be there. You will need to explain why they cannot give their evidence through a witness statement or report, and why it is necessary for them to attend. We will need to 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.

Expenses

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. The tribunal will only pay for taxi fares if public transport is not available, or if you have particular needs (you must tell the tribunal about these before making your claim for expenses). If you require use of a taxi, please contact the tribunal office on 01325 289350 or sendistqueries@hmcts.gsi.gov.uk to get prior authorisation before the journey.

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

Information about claiming expenses will be included with the notification of the arrangements for your hearing. Payment will be made either by post or a direct payment into your account within 14 days of the tribunal receiving your claim form.

Section 5 - After the hearing

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 the tribunal's decision is issued, the local authority must carry out the order within a fixed period, beginning with the date of issue of the tribunal's decision.

- To start the EHC assessment or reassessment process – four weeks
- To make an EHC plan – five weeks
- To change an EHC plan – five weeks
- To change the school named in line with parents' wishes – two weeks
- To continue an EHC plan – immediately
- To cancel (no longer maintain) an EHC plan – immediately

Some of these timescales also apply when the local authority tells us 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 (LGO) 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

Further appeal

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 we 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 Special Educational Needs and Disability (SEND) tribunal 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 issue of 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 us 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 the 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.

Useful list of addresses

ACE Education

36 Nicholay Road

London N19 3EZ

Phone: 020 8407 5142

Website: www.ace-ed.org.uk

AFASIC

20 Bowling Green Lane

London EC1R 0BD

Phone: 0845 355 5577

Website: www.afasic.org.uk

British Deaf Association

18 Leather Lane

London EC1N 7SU

Phone: 020 7843 6000

Website: www.bda.org.uk

British Dyslexia Association

Unit 8, Bracknell Beeches

Old Bracknell Lane

Bracknell, RG12 7RW

Phone: 0845 251 9002

Website: bdadyslexia.org.uk

Coram Childrens Legal Centre

University of Essex

Wivenhoe Park

Colchester, CO4 3SQ

Phone: 08088 020 008

Website: www.childrenslegalcentre.com

Council for Disabled Children

National Childrens Bureau

9 Wakley Street

London EC1V 1JN

Phone: 020 7843 6000

Website: www.ncb.org.uk

Council on Tribunals

81 Chancery Lane

London, WC2A 1BQ

Phone: 020 7855 5200

Website: www.council-on-tribunals.gov.uk

Department for Education

Sanctuary Buildings

Great Smith Street

London SW1P 3BT

Phone: 0370 000 2288

Website: www.education.gov.uk

DIAL UK

39-45 Cavell Street

London E1 2BP

Phone: 020 7791 9000

Website: www.dlf.org.uk

Equality & Human Rights Commission

Fleetbank House,
2-6 Salisbury Square
London EC4Y 8JX
Phone: 0800 800 0082
Website: www.equalityhumanrights.com

Down's Syndrome Association

Langdon Down Centre
2a Langdon Park
Teddington
Middlesex, TW11 9PS
Phone: 0333 1212 300
Website: www.down-syndrome.org.uk

Haemophilia Society

1st Floor, Petershaw House
57a Hatton Gardens
London EC1N 8JG
Phone: 0800 018 6068
Website: www.haemophilia.org.uk

Helen Arkell Dyslexia Centre

Arkell Lane
Frensham, Farnham
Surrey GU10 3BW
Phone: 01252 792 400
Website: www.arkellcentre.org.uk

I CAN

8 Wakely Street
London EC1V 7QE
Phone: 020 7843
Website: www.ican.org.uk

IPSEA

Hunters Court, Debden Road
Saffron Walden
CB11 4AA
Phone: 0845 602 9579
Website: www.ipsea.org.uk

KIDS

49 Mecklenburgh Square
London WC1N 2NY
Phone: 020 7520 0405
Website: www.kids.org.uk

Mencap

123 Golden Lane
London, EC1Y 0RT
Phone: 0808 808 1111
Website: www.mencap.org.uk

MIND

15-19 Broadway
Stratford,
London E15 4BQ
Phone: 0300 123 3393
Website: www.mind.org.uk

National Autistic Society

393 City Road

London, EC1V 1NG

Phone: 0808 800 4104

Website: www.nas.org.uk

National Blind Childrens Society

Bradbury House

Market Street

Highbridge

Somerset TA9 3BW

Phone: 01278 765 765

Website: www.nbcs.org.uk

National Deaf Children's Society

15 Dufferin Street

London EC1Y 8UR

Phone: 0808 800 8880

Website: www.ndcs.org.uk

National Parent Partnership

8 Wakley Street

London EC1V 7QE

Phone: 020 7843 6058

Website: www.parentpartnership.org.uk

National Society for Epilepsy

Chesham Lane

Chalfont St Peter

Buckinghamshire SL9 0RJ

Phone: 01494 601300

Website: www.epilepsysociety.org.uk

Network 81

10 Boleyn Way

West Clacton

Essex, CO15 2NJ

Phone: 0845 077 4055

Website: www.network81.co.uk

Parents for Inclusion

336 Brixton Road

London SW9 7AA

Phone: 0800 652 3145

Website: www.parentsforinclusion.org

Royal Association for Disability and Rehabilitation (RADAR)

12 City Forum

250 City Road

London, EC1Y 8AF

Phone: 020 7250 3222

Website: www.radar.org.uk

Royal National Institute for the Blind

105 Judd Street

London, WC1H 9NE

Phone: 0303 123 9999

Website: www.rnib.org.uk

Scope

6 Market Place

London N7 9PW

Phone: 0808 800 3333

Website: www.scope.org.uk

Sense

101 Pentonville Road

London, N1 9LG

Phone: 0845 127 0060

Website: www.sense.org.uk