



## Somerset SENDIAS

Special Educational Needs and Disability  
Information, Advice and Support (0-25)

### Appealing to the tribunal including the health and social care parts of the plan

SEND tribunal is part of the court system. It hears cases which involve parents, carers and young people appealing against a decision a local authority has made about special educational needs and support.

From April 2018, the SEND tribunal was given new powers to look at health and social care as well as education. This factsheet tells you what these powers are and what they mean for you.

### SEND tribunals can now look at health and social care

Before April 2018, if you disagreed with your local authority about the education parts of an Education Health and Care (EHC) plan, you could go to tribunal and ask for this to be discussed and reviewed. But you couldn't appeal the health or social care part. Now you can ask the tribunal to look at the health and social care parts of an EHC plan as well.

These changes should mean the tribunal will be able to take a more complete, person-centered view of the needs of your child or young person. You can appeal about the health part

of the plan, or the social care part, or both together.

The government are trying this new process. At the end of this, in August 31st, 2021, they will look at how well it worked and make recommendations about what happens next.

### You still need an education appeal to go to SEND tribunal

To appeal the health or social care part of an EHC plan you must also appeal the education part of the plan. This means you can ask the tribunal to make recommendations about the health and/or social care parts of EHC plans as part of an appeal about:

- the description of your child's special educational needs
- the special educational support (provision)
- the school or other educational institution named
- issuing or ending (ceasing to maintain) an EHC plan

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The Hollies Children's Centre, South Street, Taunton, TA1 3AG  
01823 355578 [SomersetSENDIAS@somerset.gov.uk](mailto:SomersetSENDIAS@somerset.gov.uk) [www.somersetsend.org.uk](http://www.somersetsend.org.uk)



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- a decision not to do a re-assessment for a child with an EHC plan
- changing an EHC plan after a review or reassessment

You need to think about mediation, but you don't need to do it

Because you must appeal the education part of the EHC plan to ask for the health and/or social care part to be looked at, you will still need to contact a mediation adviser about the education part.

If you decide to go to a mediation meeting for the education parts of the plan you don't need to do it for the health and/or social care parts.

If you go to a mediation meeting and it resolves the educational issues, you won't be able to appeal to the tribunal on any health and/or social care parts of the EHC plan.

After you've talked to a mediation adviser or had a mediation meeting, you'll be given a certificate. You'll need this if you want to appeal.

There are timescales for doing this. There's more information about mediation in the box at the end of this factsheet.



### Important to know

If you want to appeal against the local authority's decision about your child's EHC plan and you want to ask them to look at your concerns about the health and/or social care parts too you must:

1. Follow the normal process for appealing to the tribunal.
2. Tick the box on the form about a health and/or social care appeal. If you want more information about appealing, or need the forms to apply, go to the First-tier Tribunal (Special Educational Needs and Disability) website.

Info based on Dias

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