 **How to appeal**

**Important to know**

To be able to move forward you must have received your decision in writing from the LA.

You will have two months from the date on the letter to register your appeal.

Before you can register any appeal, you must contact a mediation advisor. The only exception to this is if you’re appealing just the placement or education setting named on the plan.

The Mediation Service is provided by Global Mediation and you can contact them on 0800 064 4488 or email: sen@globalmediation.co.uk. After you’ve spoken to them, if you decide to use mediation, a mediation meeting will be set up between you and the local authority. If you decide not to use mediation, you’ll be given a certificate which will enable you to start your appeal.

If you don’t agree with a decision that the Local Authority (LA) have made, then you can appeal. This is also known as the tribunal process.

Here are a list of the things you can appeal against;

* assess a child or young person’s educational, health and care (EHC) needs
* reassess their EHC needs
* issue an EHC plan
* change what’s in a child or young person’s EHC plan
* maintain the EHC plan

We also handle appeals against decisions to refuse young people in custody:

* an EHC assessment
* an EHC plan after assessment
* a placement to a suitable school or other educational institution after their release

You can also appeal against discrimination by schools or local authorities due to a child’s disability.

**You need to think about mediation but you don’t have to do it**

As mentioned above you need to contact mediation, however you don’t need to take part and you can choose to go straight to tribunal.

If you decide to go to mediation there will be an independent mediator as well as a rep from the LA. This person should be able to make the decision, however it will be unlikely that you get the decision on the day of the mediation.

They will give you an action plan, that is drawn up in the meeting with actions for both parties that is agreed and signed. The LA will most likely take this back to their SEN panel where the outcomes/actions will be discussed, and a decision made.

If you don’t agree with the decision that has been made by the LA then you have a month from the date that the mediation took place to log your appeal. You must keep hold of the certificate they give you if you attend the mediation as you will need this to make the appeal

To log the appeal you will need to fill in a form. There are two forms SEND 35 and SEND 35A. Both these forms are for 0-25 so you don’t need separate ones for child or young people.

**If you are appealing against the refusal to assess for an EHC then you will need to fill in SEND 35A.**

**Don’t forget**

Just make sure you have any documents that you have sent into the LA or they have sent to you as you will need to submit this along with the form as evidence.

**If you are appealing against the contents and the placement in the EHC Plan, then you will need to use the form SEND 35 but you will also need the mediation certificate.**

 **Important to know**

If it is placement only you don’t need a mediation certificate.

**This is where you can find the forms**

Special Educational Needs and Disability Tribunal forms - GOV.UK (www.gov.uk)

**Need more information?**

Department for Education and HM Courts and Tribunals Service Extended powers SEND tribunal: national trial Guidance and toolkit www.gov.uk/government/publications/extendedpowers-send-tribunal-national-trial First-tier Tribunal (Special Educational Needs and Disability)

Information from HM Courts service about appealing: www.gov.uk/courts-tribunals/first-tier-tribunal-specialeducational-needs-and-disability

Thanks to Dias