



**Tribunals Service**  
Special Educational Needs  
and Disability

# How to Appeal an SEN Decision:

## A Guide for Parents

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## **Foreword**

Making a special educational needs claim may be daunting for the parents involved. Our aim at the Health Education and Social Care Chamber of the Tribunal Service of which Special Educational Needs and Disability is a vital part, is to ensure that your claim is dealt with fairly and justly, indeed those words have been put into our procedure rules as the overriding objective of the Tribunal.

We aim to strike a balance, we must be independent and professional and give the attention and care that every claim deserves and we must ensure that proceedings are efficient and dealt with in an appropriate time, for everyone concerned. This means that the hearings are not entirely informal, because experience has taught us that some structure is needed to ensure that everyone has a chance to put their points across fully, but we aim to assist wherever possible. Certainly, lack of representation will not prevent the correct decision being taken on the evidence and all of our panels are highly experienced and used to dealing with cases both with and without representatives.

This booklet is produced with the aim of helping you to understand the process of making a claim, from first sending it to us to further appeal from us on a point of law.

You can be assured that everyone at the Health Education and Social Care Chamber will deal your claim in a professional manner.

Judge John Aitken  
Deputy Chamber President (HESC)  
Special Educational Needs and Disability

## About This Guide

The aim of this Guide is to help you through the appeals process with the First-tier Tribunal dealing with Special Educational Needs and Disability (SEND).

The Tribunal is part of the system of Courts and Tribunals which decide appeals.

An 'Appeal' means applying to the Tribunal for an independent ruling on a decision made by a Local Authority

This guide explains what an Appeal involves. It describes the process step-by-step.

The Special Educational Needs and Disability staff who look after the administrative side of appeals are called 'Clerks to the Tribunal'. They will handle your letters and telephone calls and deal with any queries.

## Using This Guide

The Guide is lengthy, because it provides detailed information on each of the stages in the appeals process. However, you don't have to read the Guide in one go. You may prefer to use it as a manual, checking each step as your appeal moves forward. Or you could use it for reference, looking up just those parts on which you might want more information

**This Guide also contains the appeal form which you will need to complete if you want to appeal to the Tribunal. You will find it in the middle of this booklet.**

### Contacting Us

If you need to contact us you can do so;

By phone: 01325 392760

By fax: 01325 391080 or 01325 391045 or 01325 391310

By e-mail: [sendistqueries@tribunals.gsi.gov.uk](mailto:sendistqueries@tribunals.gsi.gov.uk)

Or by writing to us at: Special Educational Needs and Disability, Mowden Hall, Staindrop Road, Darlington, DL3 9BG

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## Section 1 - Making an Appeal

### When can I appeal?

If you have not been able to reach agreement with your Local Authority about your child's special educational needs, you may be able to appeal to us.

There is a **two month time limit** for appealing to us. The two months start from the date on the Local Authorities letter giving their final written decision.

**Even after making an Appeal to us, you should continue to try to resolve the matter with the Local Authority.**

### What can I appeal about?

You can appeal if the Local Authority:

- Will not **carry out a statutory assessment** of your child's special educational needs, following a request by you or by your child's school.
- Refuses to **make a statement** of your child's special educational needs, after a statutory assessment.
- Refuses to **reassess** your child's special educational needs if the Local Authority has not made a new assessment for at least six months, following a request by you or by your child's school.
- Decides **not to maintain (decides to cancel)** your child's statement.
- Decides **not to change the statement** after reassessing your child.
- **Has made a statement**, or has changed a previous statement, and you disagree with:
  - The part which describes your child's **special educational needs (part 2)**
  - The part which sets out **the special educational provision (help) (part 3)** that the LA thinks your child should receive.
  - The **school or type of school named** in part 4 of the statement.
  - The Local Authority **not naming a school** in part 4.
- Refuses to **change the school** named in your child's statement, if the statement is at least one year old (but you can only ask for a school that is funded by a Local Authority). This is limited to the same type of school as the school named in the statement and it is not possible to ask us to alter Parts 2 or 3 (described below in more detail).

## Are there any issues the Tribunal cannot deal with?

You cannot appeal to us if:

- You are unhappy about the **way the Local Authority carried out the assessment**, or the **length of time** that it took.
- You are unhappy about how the **Local Authority or the school is arranging to provide the help** set out in your child's statement.
- You are unhappy about the way the **school** is meeting your child's needs at School Action or School Action Plus.
- You are unhappy about the description in parts 5 and 6 of the statement of your child's **non-educational needs** or how the **Local Authority plans to meet those needs**.
- The Local Authority will not amend the statement following an annual review.
- The Local Authority refused to name an independent school or non-maintained school (these are schools which are not maintained by the Local Authority and which normally charge fees) or a different type of school (e.g. a special school when your child currently attends a mainstream school or the other way around) where you have asked for a change to part 4 in a statement that was at least a year old.
- With regard to the last two bullet points, you would first need to ask your Local Authority to reassess your child and then appeal to us if they refused that reassessment, or if you remained dissatisfied at some later point in the process of amending your child's statement.

Because there may be some legal difficulties, we 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. It will depend on each individual case.

## Who do I appeal to about the issues the Tribunal cannot deal with?

Firstly you should discuss your concerns with your child's school or the Local Authority. If you are still not happy then you can complain to the Secretary of State for Children, Schools and Families. 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:

✉ **DCSF Publications Centre,**  
PO Box 5050,  
Sherwood Park,  
Annesley,  
Nottingham,  
NG15 0DG  
☎ 0845 60 222 60

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

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

Or visiting their website: [www.lgo.org.uk](http://www.lgo.org.uk)

### **Have I got a case?**

This Guide deals with how to appeal. It cannot tell you whether you have a good case or not. Tribunal Service staff will be happy to help with telephone queries about your appeal as it goes through the process, but they cannot give you an opinion about whether you are likely to win or lose, or whether you should take a particular step or not.

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

The Local Authority should have told you about the following groups that you may be able to get advice from

- A voluntary organisation which helps people with special needs
- A parents' group
- An independent parental supporter
- A parent partnership adviser

The Local Authority should also have told you about its named officer who you can work with to try and resolve the issues you are appealing against.

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

The groups above and your Local Authority officer may be able to put you in touch with an independent supporter or a representative.

You may be entitled to get Legal Aid (or public) Funding for assistance 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 will be able to give you the names of solicitors who participate in the Legal Aid scheme and are experienced in these matters. **Note** you will not be able to get public funding for a lawyer to represent you at the Hearing.

## What is likely to be involved?

Unlike going to court, there are no fees involved. The Service is a free service. The Tribunal can make a contribution towards your out of pocket expenses in attending your Tribunal hearing, such as travel costs. From start to finish, the process of appealing typically takes five months depending on the type and complexity of the case. Usually only one visit to the Tribunal is required – for the actual hearing. Hearings normally start at either 10am or 2pm. Preparing your appeal may involve you in gathering evidence to support your case.

## Section 2 - Starting an Appeal

### Time-limits

You must appeal within **2 months** of the date on the letter from the Local Authority giving you their decision.

If you find yourself outside the time, you can ask for an extension. You do this by:

- sending off your Appeal as soon as you can, and
- explaining in your Appeal why it is late.

An extension may be granted if there are special circumstances which meant that you were not able to send your Appeal in time.

Your Appeal will be forwarded to a Tribunal Judge who will decide whether to grant an extension. If the Tribunal Judge grants an extension, your Appeal will go ahead. If the Tribunal Judge refuses an extension, the Appeal will go no further.

### Grounds of appeal

You should identify the decision that you're appealing against, and give the date of the official letter you received notifying you of the decision.

You have to give the reasons why you are appealing. These are your 'grounds of appeal'. Your reasons don't have to be lengthy or written in legal language, but you need to say more than just, 'I disagree'. You should explain why you disagree with the decision you are appealing against and what you are asking the Tribunal to do.

If you have information or evidence which supports your appeal you should enclose it when you send in your Appeal.

## The Appeal form

This section gives you details of what is required on the Appeal form

**Section 1 - Your child-** This section is asking for details of your child.

**Section 2 - Your contact details-** This section is asking for your details and the contact details of any representative that you may have. It also asks for details of anyone else who shares parental responsibility but who is not appealing.

**Section 3 - Special requirements-** This is asking if you have any special requirements with regards to the appeal documents and the Hearing. For example whether you need the documents translated into Braille or another language or will require wheelchair access or need an interpreter or signer.

**Section 4 - Your Appeal –** This section asks for information about the Local Authority's decision and what your appeal is about.

**Section 5 - Your reasons for Appeal –** This section is important, as this is where you need to explain why you are appealing. There are some guidance notes later in this booklet to assist you.

**Section 6 - Claims about Disability Discrimination-** This section asks whether you have an existing Disability Discrimination Claim or if you would like more information about how to make a Disability Discrimination Claim.

**Section 7 - Lodging the Appeal –** This section explains where your completed appeal form must be sent.

## Frequently asked Questions

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

We may have to contact you about getting the information or documents to us. If we do not have enough papers to register your appeal we will return the appeal form to you with a list of what we require. If there would not be enough time for you to get the documents back to us within the 2 month deadline you will be given 10 working days to send them to us. If you get them to us by then you will not have to ask for an extension of time. If they arrive any later than the date you were given, you will have to apply for an extension of time and explain why they are late.

In some cases we are able to register an Appeal even if we do not have all of the documents. If this happens we will write to you asking you to provide the missing documents within 10 working days. If we do not receive them in that

time, the Tribunal can strike out your Appeal. This means that your Appeal will come to an end.

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

No. **Please only send us photocopies of the original documents.**

### **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 (see below). If you are appealing jointly with another person, both of you must sign the form. Please be aware that we will only send any information about the Appeal to one person named on the Appeal form, the choice is yours (see the form, below). If you do not tick one of the boxes we will send the information to the first named person.

If you have a representative and you wish 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 state on the form that your representative is going to receive all the papers, then you will not receive any correspondence in connection with your Appeal before the Hearing; it will all be sent to your representative. You will be sent the final decision, however, when it is issued. You must let us 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 ensure that these requests are stated on your Appeal form. For example if you need a signer or an interpreter at the Hearing, or need any special arrangements to be made so you can attend the Hearing.

## **Section 3 – The steps up to the Tribunal Hearing**

### **What happens after you send us your Appeal?**

We will register your Appeal within 10 working days of receiving it. We will tell you that we have registered your Appeal and inform you of the date your Appeal will be heard. Your Appeal will be given a number. You should use this number whenever you contact us about your Appeal.

When we write to tell you we have registered your Appeal we will send you an **Automatic directions form and a Further Information form**. This will tell you the dates by which you must send the Tribunal information to consider at

the Hearing. It will also tell you when you need to inform us about the witnesses (if any) that you will be bringing, and anyone else you want to attend the hearing;

You will also be sent a **Request form**. You should use this form if you want to make any changes to your appeal or the information you have given us, or if you want the Tribunal to require someone else to do something that will help your Appeal. The **Request form** is also available on our website [\*\*www.sendist.gov.uk\*\*](http://www.sendist.gov.uk)

When we have registered your Appeal we will send a copy to the Local Authority. They will also be sent an automatic directions and a Further Information Form

### **What will the Local Authority do about my Appeal?**

The local authority has to respond within 30 working days of us sending them a copy of your Appeal notice. They will send a copy of their response and any accompanying documents to us and to you. **Please let us know in writing or by e-mail if you do not receive the response within 8 weeks of us registering your Appeal.**

The Local Authority will have the same timetable as you to send us further information and evidence. The Local Authority's response must say whether or not they oppose your Appeal and, if they do, then they need to give reasons why. They should provide a summary of the facts and let us know what your child thinks about the issues. 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 we are not able to hear. If this happens we will send you a copy of the Local Authority's application so you can comment on it, and we will give you the opportunity to explain to the Tribunal why you think your Appeal should continue.

### **What happens if the Local Authority does not oppose the Appeal?**

This will depend on what your appeal is about. If the Local Authority agrees to amend the contents of the statement and you are satisfied with the outcome, you can withdraw your Appeal or ask the Tribunal to order the Local Authority to amend the statement in the way you have agreed. If your Appeal is about a decision not to assess or re-assess, not to issue a statement, not to change the school named in a statement that is over one

year old, or to cease to maintain a statement, and the Local Authority does not oppose it, then your Appeal will come to an end. The Local Authority will have to do what it has agreed to do within a fixed time limit.

### **What if the Local Authority does not send us or you 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 is able to do a number of things, including barring the Local Authority from taking further part in the Appeal. Before deciding what to do, the Tribunal will write to the Local Authority asking for an explanation of why it has not responded, or not responded 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 still be a Hearing, but without the Local Authority.

### **Can I comment on the Local Authority's response?**

The Case Management process allows you to make comments.

## **Before The Hearing**

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

You should try to send in all your documents with your Appeal. The Case Management timetable will set out if and when other documents can be sent.

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

Not normally. If you want to rely on evidence outside the timetable, you will have to apply to us on the **Request Form**. Permission may or may not be given, depending on the reasons you give.

### **What if the Local Authority has more evidence?**

The same rules apply to the Local Authority as to you.

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

If you apply to us well before the Hearing on the **Request Form**, we may be able to make an order to get the Local Authority or anyone else who may have relevant information to release it. We do not need to ask the Local Authority if it has any objections in providing the document before ordering it to be released. However, if the Local Authority does object to releasing the information a Tribunal 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 the Tribunal to require someone who is not a party to the Appeal to release a document in their possession. That person or body could be a body such as the NHS or Social Care.

### **Can I change my Appeal?**

Any changes to the Appeal must be made in writing and on our **Request Form**. We will send you this form when we acknowledge your Appeal and it is also available on our website [www.sendist.gov.uk](http://www.sendist.gov.uk)

On the form, you must also set out the amendments you want and the reasons for the amendments. You must also send a copy of the form to the Local Authority.

### **Can I withdraw my Appeal?**

Yes, but this can only be done with our consent. If you tell us you want to withdraw at least **10 working days** before the Hearing, consent will usually be given. The application to withdraw needs to be made on our **Request Form**.

If you want to withdraw less than **10 days working days** before the Hearing the application needs to be made in writing on our **Request Form** setting out the reason why you are withdrawing so close to the hearing. Your request will be considered by a Tribunal Judge who will decide what further action, if any should be taken.

### **What will happen to my Appeal if I move to live in another Local Authority area?**

You should write to us and inform us if you move to another area. We will then contact the new Local Authority to tell them about the Appeal. The new Local Authority will be treated as having made the decision that you are appealing about and your Appeal will be against them, unless there are good reasons why the new Local Authority 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.

### **Informing you of the Place for your Hearing**

At least 10 working days before the Hearing we will inform you of the venue and the time of your Hearing.

## **Section 4 - The Hearing**

A DVD is available to give you some idea before the day what happens at a Hearing. This DVD is available upon request. You can call to request your copy.

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

We hold Hearings throughout the country at various Tribunal Service buildings, and we will try to hold your Hearing as close to where you live as possible. In special circumstances we may hold your Hearing in a local hotel. 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?**

Your Hearing will be fixed for a certain time which is usually 10 am but may be 2pm. Please arrive 30 minutes before the Hearing time so that you can meet the clerk, familiarise yourself with the arrangements and ask any questions you may have. The length of your Hearing will depend on what you are appealing about and the number of witnesses attending.

### **Who will hear my Appeal?**

Your Appeal will be heard by a panel of three Tribunal members. There will be a legally qualified Tribunal Judge, who will be the chairman, and two specialist members who have been appointed because of their knowledge and experience of children with special educational needs and 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 will not be asked on your behalf.

## **Who else can attend?**

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

You can send someone to the Hearing to represent you whether or not you come yourself. If you do have a representative, you must inform us on the **Further Information Form** who will be attending. This form is sent to you when we register your Appeal.

You may ask a solicitor or a barrister to represent you but you will not get public (or Legal Aid) funding for this.

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

Yes, anyone who is a parent of the child, even if they have not appealed, may attend the Hearing.

If, for some reason, you do not want the other parent to come to the Hearing you will need to let us know why. We may agree to limit that person's involvement in the case.

### **Can my child attend the Hearing?**

Yes, they can attend the Hearing and give evidence if they want to. However, you should remember that it is unlikely that they will stay for the full Hearing and you must arrange for someone to look after your child whilst they are not in the Hearing. **The 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 Hearing 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 you must tell us on the Further Information Form who they will be. If you think that you want more than one supporter, please ask us on our **Request form**. We have power to exclude any person from the Hearing. As it is a private hearing we will not agree to people other than supporters attending. If your representative is training someone on our Tribunal process, we will normally allow them to attend provided that 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.

## **Witnesses**

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

Yes, you will need to inform us on the **Further Information Form** who you will be bringing with you. If you do not give us this information they may be prevented from participating in the Hearing or even being in the room where the Hearing is held. If you change your witnesses you should inform us immediately.

**Please note:** 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 want to ensure that hearings are over within a day and that we focus on only the relevant issues. Often a report by a professional who has assessed your child will contain all the information you want the Tribunal to consider and it may not be necessary for that person to attend the Hearing as well.

If you wish to bring any more than three witnesses (in addition to yourself) you will need to request permission in writing on the **Request Form**. We do have 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 attending, you can write to us explaining why you feel it is important they attend. We will need to receive your request at least 15 working days before the Hearing.

If we agree, we will issue a witness summons for you to give to the person. That person would then have to attend 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 witnesses and also add anything you feel is important but has not been mentioned.

## **Expenses**

### **What expenses can be claimed?**

You and your witnesses can claim travel expenses to come to 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. We will only pay for taxi fares if public transport is not available, or if you have particular needs (you must tell us about these before making your claim for expenses). Any taxi fare should be authorised in advance. We cannot pay for car parking and tolls.

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

We will send you details about claiming expenses when we write to you to tell you about the arrangements for your Hearing. At the Hearing the clerk will give you the relevant forms to fill in and return to us. We will then either send the expenses by post or put them straight into your account. If waiting for the expenses would cause you financial difficulty please let us know in advance of the Hearing, as we may be able to arrange to give you a cheque on the day. If you do not tell us in advance, we cannot give you a cheque on the day of the Hearing.

## 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 will be posted to you and to the Local Authority.

#### How soon will the Decision be implemented?

When your Appeal has been decided the Local Authority **must comply** with our Decision within a fixed period, beginning with the date the Decision was issued.

- To start the assessment or reassessment process - **4 weeks**
- To make a statement - **5 weeks**
- To change a statement - **5 weeks**
- To change the school named in line with parents' wishes - **2 weeks**
- To continue a statement - **immediately**
- To cancel (cease to maintain) a statement - **immediately**

These timescales also apply when the Local Authority tells us it doesn't oppose the appeal. If the Local Authority does not comply with the order in the time required, you may have to apply the High Court to enforce it. You can also make a complaint to the Secretary of State for Children Schools and Families. A guidance booklet is available from:

✉ **DCSF Publications Centre**,  
PO Box 5050,  
Sherwood Park,  
Annesley,  
Nottingham,  
NG15 0DG  
☎ 0845 60 222 60

Or complain to the Local Government Ombudsman by contacting their Advice Team on

☎ 0845 602 1938 or  
✉ **Local Government Ombudsman**  
PO Box 4771  
Coventry  
CV4 0EH

## Further Appeal

### What can I do if I am not happy about the Tribunal's Decision?

We will send you a leaflet setting out in detail your options when we send you the Decision. However, the following is a brief outline of your options.

When you have received a Decision from the Tribunal you may consider that the Decision is wrong in law or that there is another reason why the Tribunal should look again at its 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 apply to us for permission to appeal.

Applications for permission to appeal against our decision and other applications that you can make following a Tribunal decision are explained in detail in the Guidance that will be sent to you with your decision.

### Who can make an Application?

You can make an Application if you have been a party to an Appeal or Claim before the First-tier Tribunal in a special educational needs or disability discrimination case. This includes a parent, or person having 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 it is possible to make the following Applications:

A - you can apply for **permission to appeal** if you think that the Tribunal's decision was wrong in law.

B – you can ask the Tribunal to review its Decision because there has been a **change in relevant circumstances** since the Decision was made.

C - you can ask the Tribunal to **set aside** its Decision in certain circumstances.

These three Applications are explained in detail in the Guidance we will send you with your Decision.

### When can I make an Application?

An Application must be made so that it is received by the Tribunal no more than 28 days from the date on the letter sent by the Tribunal with the Decision.

If you are applying more than 28 days after the Decision was sent, you will need to apply for an extension of time, giving the reasons why you are applying late. If the Tribunal does not agree to extend the time, your Application will not be considered.



# Tribunals Service

Special Educational Needs  
and Disability

## SEN APPEAL FORM

**WE ARE REGISTERED UNDER THE DATA PROTECTION ACT**

### **NOTICE OF APPEAL FORM CHECKLIST- WHAT TO SEND US WITH THIS FORM**

If you want to appeal against your Local Authority's refusal to assess or re-assess your child's special educational needs or if the Local Authority has assessed but does not make a statement of special educational needs, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – the grounds can be found in section 5 of the appeal form.
- The documents you will be relying on to support your appeal
- If the Local Authority has issued a Note in Lieu, that Note and the documents attached to it

If you are appealing against any or all of parts 2, 3 and 4 of the statement of special educational needs or against the school named in a statement that is over a year old, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – the grounds can be found in section 5 of the appeal form.
- A copy of your child's current statement that came with the letter mentioned above (usually called a final statement or final revised statement)
- The appendices that accompanied the statement. These are a set of documents that are attached to the statement. **Please note:** If you are appealing against an amended statement the Local Authority may not have attached all of the appendices. You will need to take these from the original statement.

- Written confirmation that you have informed the school that you want it to be named in part 4.
- The documents you will be relying on to support your appeal

If you wish to appeal against the Local Authority's decision to cancel (or no longer maintain) your child's statement, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – This can be found on section 5 of the appeal form.
- A copy of your child's current statement (the one the Local Authority says it is going to cancel)
- The documents you will be relying on to support your appeal

To make an Appeal to the Tribunal you will need to fill in this form and return it to us no later than 2 months after the Local Authority sent you its decision.

Please fill this form in using black ink and capital letters (we will need to copy it for the Hearing)

## Section 1 – Your Child

Surname

Date of Birth

First Names

Boy or Girl

## Section 2- Your Contact Details

**Parent One**

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Relationship to child- Please explain how you are entitled to make this Appeal (for example, parent, guardian, foster parent or other person with parental responsibility)	
Address	
Postcode	
Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Fax Number	

Email Address	
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**Parent Two**

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Relationship to child- Please explain how you are entitled to make this Appeal (for example, parent, guardian, foster parent or other person with parental responsibility)	
Address	
Postcode	
Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Fax Number	
Email Address	
Does any other person or body share parental responsibility for the child, if so please give the name and address of each person or body?	
Is there any reason why we should not send this person detail's of the appeal?	

To save costs and deal with your claim as quickly as possible we should like to use email to communicate with you. If you would prefer us not to use email please indicate by putting a cross here

**You're Representative (If applicable)**

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Profession/Organisation –	
Address	
Postcode	
Daytime Telephone Number	
Fax Number	
Mobile Phone Number	
Email Address	
Is your representative legally qualified?	YES <input type="checkbox"/> NO <input type="checkbox"/>

**Who should receive information about the appeal?**

**First Parent**

**Second Parent**

**Representative**

**Important:** We can only send papers and documents to one of the people named on this form. If you do not tell us otherwise we will automatically send them to your representative (if you have one) or to the first named parent if you do not.

### **Ethnic Monitoring**

It would help us if you could circle one of the following. You do not have to, but the information gives us useful statistics. We keep all information confidential. We are registered under the Data Protection Act.

Bangladeshi	Indian
Black African	Pakistani
Black Caribbean	White
Black Other	Other-Please specify
Chinese	

### **Section 3 – Special Requirements**

Do you, your child or any other person attending the Hearing with you have a disability that we may need to consider when choosing a venue for your Hearing?

Yes  No

If you have ticked Yes then please provide information in the box below:

If you have any special requirements such as a need for an interpreter or signer then please inform us in the box below.

## Section 4- Your Appeal

Which Local Authority made the decision against which you are appealing?	
--------------------------------------------------------------------------	--

On what date did the Local Authority send you the letter giving you their decision?	
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On what date did you receive the Local Authority's letter giving you that decision?	
-------------------------------------------------------------------------------------	--

Does your child have a statement of special educational needs?	
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If 'YES', on what date was the statement made?	
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Is there any other current Appeal to us in relation to this child that we are dealing with at the moment?	
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If 'YES' please give the appeal number:	
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Are you appealing in relation to another child in your family at the same time? What is the Appeal number?	YES      NO
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If you have answered 'YES' to either of the last two questions would you like these Appeal's to be heard at the same time if that is possible?	
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## SECTION 5 Reasons for your Appeal

**What are you appealing against?**

**Please tick the box or boxes that apply to your appeal.**

**A Refusal to carry out Statutory Assessment**

I (or the school) asked the Local Authority to assess my child but it refused.	<input type="checkbox"/>
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My child already has a statement. I (or the school) asked the Local Authority to re-assess my child but it refused.	<input type="checkbox"/>
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**B Refusal to make a statement of Special Educational Needs**

The Local Authority assessed my child but refused to make a statement.	<input type="checkbox"/>
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**If you have a Note in Lieu then please send us a copy and any supporting documents including any reports that formed part of the assessment.**

**C Contents of a statement of Special Educational Needs**

The Local Authority made a statement of special educational needs for my child, or refused to change it after a statutory re-assessment and:

I disagree with what part 2 of the statement says about my child's special educational needs.	<input type="checkbox"/>
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I disagree with what part 3 of the statement says about the educational help or provision my child should receive.	<input type="checkbox"/>
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I disagree with the school named in part 4 of the statement.	<input type="checkbox"/>
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The Local Authority has not named a school in part 4 of the statement.	<input type="checkbox"/>
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**Important:** If you are appealing against the school named in part 4 please provide us with the name and address of the school you would prefer to be named:

School Name

<input type="text"/>
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Address and postcode

<input type="text"/>
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Have you told the school you want it named in the statement?

 YES NO

If you have ticked yes please confirm the date you notified the school.

<b>Date:</b>
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**You must tell the school in writing that you would like them named in your child's statement and send us a copy of your letter.**

**If you want an independent or non-maintained special school named in part 4:**

Do you have confirmation from the school that it has a place available for your child?	<b>YES/NO</b>
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**If you do, please send us a copy of this letter/confirmation**

If you cannot name a particular school, please describe the type of school you would like your child to attend in the box below.

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**D Change of School:**

The statement was at least one year old when I asked the Local Authority to change the Local Authority funded school named, but it refused.	
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**E Decision to cease to maintain a statement**

The Local Authority decided to cease to maintain (cancel) my child's statement.	
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**It is important that you give enough reasons to enable the Local Authority to respond to your appeal.**

**Below is a guide of what we need to know - Please fill in your reasons for the appeal in the box provided.**

<b>Refusal to assess or re-assess:</b> Please tell us why you think your child requires a statutory assessment/re-assessment.
<b>Refusal to make a statement.</b> Please tell us why you think your child requires a statement.
<b>Parts 2 and/or 3 of the statement.</b> Please tell us what you disagree with and why, and what you would like the parts to include or exclude.
<b>A school named in part 4 of the statement.</b> Please give reasons why you think that the current school named cannot meet your child's needs and why you consider that the school you want to be named in part 4 is more appropriate for your child.
<b>Ceasing to maintain a statement.</b> Please give reasons why you think your child still requires a statement.

Please continue on a separate sheet if needed.

## Section 6- Claims about Disability Discrimination

At SENDIST we also deal with claims about Disability Discrimination in schools. If you require us to forward you a copy of our Claim form and booklet "Disability Discrimination in Schools" please tick the box below.

If you already have an existing Disability Discrimination Claim for this child, would you like this appeal to be heard at the same time?

Yes

No

Please provide us with the date your claim was sent in.

Please provide us with the claim number- If you have already been given one.

## Section 7 - Lodging Your Appeal

Once you have filled in the appeal form, make sure that you (or your legal representative) have signed it (below).  
Then, please send the form and copies of all the relevant documents to us at:

**By post:**  
Special Educational Needs and Disability,  
Mowden Hall,  
Staindrop Road,  
Darlington  
DL3 9BG

**By Fax:** 01325 391080

**Please note we cannot accept an Appeal form via email.**

Please ensure that you keep a copy of your Appeal form.

**If you need to contact us by telephone our number is: 01325 392760**

**PLEASE MAKE SURE THAT YOU HAVE SIGNED THE FORM ON THE FOLLOWING PAGE**

<b>Parent One signature</b>	
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<b>Parent Two signature</b> (you need only sign this if you are appealing as well as parent one)	
<b>Legal Representative signature</b> (this box only needs to be signed if you have your given your legal representative permission to act for you and sign on your behalf)	
<b>DATE</b>	

Please ensure that you have completed the checklist on the first page of the appeal form and enclosed all documents required