

# APPEALS PROCESS

If you have not done so already, please contact SENDAR using the contact details at the top of the letter. They can talk to you in more detail about why this decision has been made



You can also contact SENDIAS (SEND Information, Advice and Support) on 02476 366054. SENDIAS is an independent advice and support service. They can provide you with further information and provide support for the appeal process



If you still want to make an appeal, you will need to speak to an independent mediation advisor to discuss whether mediation may help before going ahead with an appeal. An appeal to tribunal will not be accepted unless you have a certificate from a mediator. This confirms that you have considered mediation, even if you choose not to go ahead. This must be done within two months of the date of the enclosed letter, and as soon as possible. Warwickshire has contracted three independent companies to provide this service for you



<p><u>Resolution Dynamics</u></p> <p>0121 337 0500</p> <p><a href="mailto:charles@senmediator.co.uk">charles@senmediator.co.uk</a></p> <p>Charles Horn Quadrant Court 49 Calthorpe Road Edgbaston Birmingham B15 1TH</p>	<p><u>KIDS SEND Mediation</u></p> <p>03330 062 835</p> <p><a href="mailto:senmediation@kids.org.uk">senmediation@kids.org.uk</a></p> <p>KIDS 249 Birmingham Road Sutton Coldfield B72 1EA</p>	<p><u>Prime Resolution</u></p> <p>01952 303038 / 07582 548611</p> <p><a href="mailto:info@prime-send.co.uk">info@prime-send.co.uk</a></p> <p>Hugo Besterman Meeting Point House Southwater Square Telford TF3 4HS</p>
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Once you have received the certificate after the mediation process is complete, you may still wish to appeal to the First-tier Tribunal (Special Educational Needs and Disability). The tribunal must receive your appeal within 2 months of you getting your decision letter, or within one month from the date of the mediation certificate, whichever is later. The tribunal is independent of the government and will listen to both sides of the case before making a decision. They can be contacted on:

Telephone - 01325 289350  
Email - [send@justice.gov.uk](mailto:send@justice.gov.uk)  
First-Tier Tribunal (Special Educational Needs and Disability)  
1st Floor, Darlington Magistrates Court  
Parkgate  
Darlington  
DL1 1RU

## Extended Appeals

From April 2018, the Government trialled extended powers of the First-tier Tribunal (SEND) to hear appeals and make non-binding recommendations about the health and social care aspects of the EHC plan, provided those appeals also included education elements. These extended powers have now been granted full approval. From September 2021, Tribunal appeals which include health and/or social care aspects will be known as 'extended appeals'.

Before April 2018, you only had the right to appeal the educational aspects of EHC plans. These extended powers give you the right to request recommendations about the health and social care needs and provision specified in EHC plans at the same time as raising an appeal about educational elements of the EHC plan. This gives you the opportunity to raise all your concerns about an EHC plan in one place.

It is only possible for the Tribunal to consider the health and/or social care aspects of the EHC plan where you are already making an appeal in relation to the education aspects of the EHC plan and the education aspect must remain subject of the appeal throughout the proceedings.

It is important to understand that the judgements that the SEND Tribunal makes about health and social care elements of an EHC plan are 'non-binding'. This means that the law does not require health and social care commissioners to follow the judgements. However, if the health and social care commissioners decide not to follow the Tribunal's recommendations, they will need to explain why not. In these instances, you can still take your case to the relevant ombudsman and/or judicial review.

You can ask the Tribunal to make non-binding recommendations on health and/or social care aspects of EHC plans as part of an appeal relating to:

- a decision by the local authority not to issue an EHC plan
- a decision by the local authority not to carry out a re-assessment for a child / young person who has an EHC plan
- a decision by the local authority not to amend an EHC plan following a review or re-assessment
- a decision by the local authority to cease to maintain an EHC plan
- the description of the child/young person's special educational needs in an EHC plan
- the special educational provision specified in an EHC plan
- the school or other educational institution named in an EHC plan

If you wish to appeal against a local authority decision on any of the grounds above and want to request that the Tribunal considers your concerns about the health and /or social care aspects of the EHC plan, you should **follow the normal process for bringing an appeal to the Tribunal and tick the box on the form relating to a health and/or social care appeal**. Advice on making SEND appeals to the Tribunal is available from the [GOV.UK website](https://www.gov.uk).