



# Tribunals Service

Special Educational Needs  
and Disability

## How to appeal against a SEN decision

**A guide for parents**

**September 2010**

Website: [www.sendist.gov.uk](http://www.sendist.gov.uk)

Phone number: 01325 392760

Email: [Sendistqueries@tribunals.gsi.gov.uk](mailto:Sendistqueries@tribunals.gsi.gov.uk)



## Foreword

Making a special educational needs appeal can be daunting. Our aim at the Health Education and Social Care Chamber of the Tribunals Service of which Special Educational Needs and Disability is a vital part, is to make sure that your appeal is dealt with fairly and justly. In fact, we have put those words into our procedure rules as our main aim.

We aim to strike a balance. We must be independent and professional and give the attention and care that every appeal deserves. But we must also make sure that proceedings are efficient and dealt with in an appropriate time, for everyone concerned. This means that the hearings are not entirely informal. This is because experience has taught us that we need some structure to make sure that everyone has a chance to put their points across fully. But, we will try and help wherever possible. Certainly, if you decide not to bring someone to represent you, it will not prevent us from taking the correct decision based on the evidence. All of our panels are highly experienced and used to dealing with cases both with and without representatives.

We have produced this booklet with the aim of helping you to understand the process of making an appeal, from first sending an appeal to us to further appeal on a point of law if needed.

You can be assured that we will always deal with your appeal in a professional way.

**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 appeal 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 decides on appeals and claims.

At SEND we hear:

- appeals against decisions of local authorities about children with special educational needs; and
- claims against schools and local authorities where there has been disability discrimination in a child's education.

This guide explains what an appeal to the tribunal involves. It describes the process step by step.

The staff who look after the administrative side of claims are called 'clerks to the tribunal'. They will handle your letters and phone calls and deal with any questions you may have. However, they cannot give you legal advice.

## Using this guide

The guide is quite long, because it provides detailed information on each of the stages in the appeals process. However, you don't have to read it all at once. You may prefer to use it as a manual, checking each step as your appeal moves forward, or you can use it for reference, looking up just those parts on which you want more information.

**This guide also contains the appeal form which you will need to fill in if you want to appeal to us. You will find it in the middle of this booklet.**

## Contacting us

If you need to contact us, you can do so in the following ways.

By phone: 01325 392760

By fax: 01325 391080 or 01325 391045 or 01325 391310

By email: [SENDISTQUERIES@tribunals.gsi.gov.uk](mailto:SENDISTQUERIES@tribunals.gsi.gov.uk)

In writing to:

Special Educational Needs and Disability

Mowden Hall

Staindrop Road

Darlington

DL3 9BG

## Contents

### Section 1 – Making an appeal

When can I appeal?	1
What can I appeal about?	1
Are there any issues you cannot deal with?	1
Who do I appeal to about the issues you cannot deal with?	2
Have I got a case?	2
What is likely to be involved?	2

### Section 2 – Starting an appeal

Time limits	3
Grounds of appeal	3
The appeal form	3
Frequently asked questions	3

### Section 3 – The process up to the tribunal hearing

What happens after I send you my appeal?	5
What will the local authority do about my appeal?	5
Before the hearing	6

### Section 4 – The Hearing

Where will my hearing be held?	7
What time will my hearing start and how long will it last?	7
Who will hear my appeal?	7
Do I have to come to the hearing?	7
Who else can come to the hearing?	7
Witnesses	8
Expenses	8

### Section 5 – After the hearing

The decision	9
How soon will the decision be put into practice?	9
Further appeal	9

### SEN appeal form

## 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 authority's letter giving their final written decision. **Even after making an appeal to us, you should continue to try to sort out 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 (following a request by you or by your child's school) if the local authority has not made a new assessment for at least six months;
- decides **not to maintain (decides to cancel)** your child's statement;
- 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 change parts 2 or 3 (described below in more detail);
- As of 1st September 2010 there is a new right of appeal; You can also apply if the Local Authority decides not to **amend the statement** following an annual review;
- decides **not to change the statement** after reassessing your child; or
- **has made a statement**, or has changed a previous statement, and you disagree with one of the following.
  - 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.

### Are there any issues you cannot deal with?

We cannot deal with a case 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**; or
- 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 (for example, a special school when your child currently goes to 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.

In terms of the last bullet point, 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 were still not satisfied at some later point in the process of changing 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 case.

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

Firstly you should discuss your concerns with your child's school or the local authority. If you are still not happy, 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  
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](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. We can help with phone queries about your appeal as it goes through the process, but we 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 sort out 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 Legal Aid (or public funding for help 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 take part in the Legal Aid scheme and are experienced in these 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?

Unlike going to court, there are no fees involved. The service is free. We can make a contribution towards any out-of-pocket expenses you may have from going to your tribunal hearing, such as travel costs.

From start to finish, the process of appealing usually takes five months depending on the type of case and how complicated it is. Usually you only need one visit to the tribunal – 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 **two months** of the date on the letter from the local authority giving you their decision.

If you miss this deadline, 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.

We may allow an extension if there are special circumstances which meant that you were not able to send your appeal in time.

We will pass your appeal to a tribunal judge who will decide whether to grant an extension. If they do, your appeal will go ahead. If the 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 telling you 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 us to do.

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

### The appeal form

This section gives you details of what we need 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 needs in terms of the appeal documents and the hearing, for example whether you need the documents translated into Braille or another language or will need 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 help 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 you must send your filled-in appeal form.

### 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 need. If there would not be enough time for you to get the documents back to us within the two-month deadline, we will give you 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. 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, we 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 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 your appeal before the hearing. Instead we will send it all to your representative. However, we will send you the final decision 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 make sure that you give details of any special needs on your appeal form.

For example, you should say if you need a signer or an interpreter at the hearing, or need any special arrangements to be made so you can come to the hearing.

## Section 3 – The process up to the tribunal hearing

### What happens after I send you my appeal?

We will register your appeal within 10 working days of receiving it. We will tell you that we have registered your appeal and tell you the date we will hear your appeal. We will give your appeal 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 a **case directions form and an attendance form**. These will tell you the dates by which you must send us information to consider at the hearing. It will also tell you when you need to let us know about the witnesses (if any) that you will be bringing, and anyone else you want to come to the hearing.

When we have registered your appeal, we will send a copy to the local authority. We will also send them automatic directions which set out the time limits for sending us documents or providing details of witnesses, and the request form.

### What will the local authority do about my appeal?

The local authority has to respond within 32 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 eight weeks of us registering your appeal.**

The local authority will have the same timetable as you to send us further information and evidence. Their response must say whether or not they oppose your appeal and, if they do, 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 us 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 change the contents of the statement and you are satisfied with the outcome, you can withdraw your appeal or ask us to order the local authority to change the statement in the way you have agreed.

If your appeal is about a decision not to assess or reassess, not to issue a statement, not to change the school named in a statement that is over one year old or to no longer maintain a statement, and the local authority does not oppose it, your appeal will come to an end. The local authority will have to do what they have 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, we can do a number of things, including barring them from taking further part in the appeal. Before deciding what to do, we will write to the local authority asking for an explanation of why they have 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, we 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.

## 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 you can send other documents.

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

You should not normally bring new evidence to the hearing. If you want to provide evidence outside the timetable, you will have to apply to us on the **request form**. We may give permission, depending on the reasons you give and the timescales.

### **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 they have any objections to providing the document before ordering it to be released. However, if the local authority does object 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 we make our decision. You may also be able to ask us to make someone who is not directly involved in the appeal to release a document they may have. That organisation could be 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**. You can get a form by phoning us or by visiting our website, at [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?**

You can withdraw your appeal, but only with our permission. If you tell us you want to withdraw at least **10 working days** before the hearing, we will usually give permission. You need to make the application to withdraw on our **request form**.

If you want to withdraw less than **10 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. We will consider your request and decide what further action, if any, we should take.

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

You should write to us and tell us if you move to another area. We will then contact the new local authority to tell them about the appeal. We will treat the new local authority as having made the decision that you are appealing about and 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.

### **Letting you know about the place for your hearing**

At least 10 working days before the hearing, we will tell you the venue and the time of your hearing.

## Section 4 - The hearing

A DVD is available to give you some idea of what happens at a hearing. You can ask us for a copy of this DVD.

### 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 10am 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 coming to the hearing.

### 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 chair, 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 come to the hearing?

#### Can I have a representative at the hearing?

You can nominate (or appoint) someone to represent you at the hearing whether

or not you come yourself. If you do have a representative, you must let us know on the **attendance form**. We send you this form 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 come to 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 come to the hearing?

Yes, they can come to 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 while 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 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 **attendance 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 being there. If your representative is training someone on our tribunal process, we will normally allow them to come as long as 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 let us know on the **attendance form** who you will be bringing with you. If you do not give us this information, we may prevent your witness from taking part in the hearing or even being in the room where the hearing is held. If you change your witnesses, you should tell us 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 want to make sure 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 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 our 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 coming to the hearing, you can write to us explaining why you feel it is important they be there. 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 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 and of the 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 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). We should authorise any taxi fare beforehand. 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 before the hearing, as we may be able to arrange to give you a cheque on the day. If you do not tell us beforehand, 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. We will post you and the local authority the decision.

### How soon will the decision be put into practice?

When we have decided your appeal, the local authority **must keep to our** decision within a fixed period, beginning with the date the decision was issued.

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

These timescales also apply when the local authority tells us they don't oppose the appeal. If the local authority do not keep to the order in the time we say, you may have to apply to the High Court to enforce it. You can also make a complaint to the Local Government Ombudsman by contacting their Advice Team on 0845 602 1938 or by writing to:

#### Local Government Ombudsman

PO Box 4771  
Coventry  
CV4 0EH

### Further appeal

#### What can I do if I am not happy about your 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 us, you may consider that the decision is wrong in law or that there is another reason why we should look again at our 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.

We explain applications for permission to appeal against our decision and other applications that you can make following our decision in the guidance that we will send you with your 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 a decision of the First-tier Tribunal, you can make the following applications.

- You can apply for **permission to appeal** if you think that our decision was wrong in law.
- You can ask us to review our decision because there has been a change in **relevant circumstances** since we made the decision.
- You can ask us to **set aside** our decision in certain circumstances.

We explain these three applications in detail in the guidance we will send you with your decision.

#### When can I make an application?

You must make an application so that we receive it no more than 28 days from the date on the letter we send with the decision.

If you are applying more than 28 days after we send the decision, you will need to apply for an extension, giving the reasons why you are applying late. If we do not agree to extend the time, we will not consider your application.









# 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 reassess your child's special educational needs, or if the local authority has assessed your child but does not make a statement of special educational needs, or the local authority's decision not to amend your child's statement following an annual review of the statement, we will need:

- a copy of the letter from the local authority letting you know their decision and about your right to appeal;
- your reasons for making the appeal – you can find the reasons in section 5 of the appeal form;
- the documents you will be relying on to support your appeal; and
- 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 need:

- a copy of the letter from the local authority telling you their decision and of your right to appeal;
- your reasons for making the appeal – you can find the reasons 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 came with the statement – these are a set of documents that are attached to the statement (if you are appealing against an amended statement, the local authority may not have attached all of the appendices) and you will need to take these from the original statement;
- written confirmation that you have told the school that you want it to be named in part 4; and
- the documents you will be relying on to support your appeal.

If you want to appeal against the local authority's decision to cancel (or no longer maintain) your child's statement, we will need:

- a copy of the letter from the local authority telling you their decision and of your right to appeal;
- your reasons for making the appeal – you can find this 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); and
- 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 two months after the local authority sent you their decision.



# Tribunals Service

Special Educational Needs  
and Disability

## SEN appeal form

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, you are the parent, guardian, foster parent or other person with parental responsibility)

Address

Postcode

Daytime phone number

Evening phone number

Mobile phone number

Fax number

Email address

### 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, you are the parent, guardian, foster parent or other person with parental responsibilities)

Address

Postcode

Daytime phone number

Evening phone number

Mobile phone number

Fax number

Email address

Does any other person or organisation share parental responsibility for the child? If so, please give the name and address of each person or organisation.

Is there any reason why we should not send this person details of the appeal?

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

### Your representative (if this applies)

Mr, Mrs, Miss, Ms, other

Surname

First names

Profession or organisation

Address

Postcode

Daytime phone number

Fax number

Mobile phone number

Email address

Is your representative legally qualified?

Yes

No

### Who should receive information about the appeal?

First parent

Second parent

Representative

We can only send papers and documents to one of the people named on this form. If you do not say who you would prefer us to send them to, we will automatically send them to your representative, if you have one. If you do not have a representative, we will send them to the first named parent.

### Ethnic monitoring

It would help us if you could tick 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

Black African

Black Caribbean

Black other

Chinese

Indian

Pakistani

White

Other  please give details:

## Section 3 – Special needs


Do you, your child or any other person coming to 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, please give information in the box provided.

If you have any special needs such as a need for an interpreter or signer, please tell us in the box provided.

continued over the page 

## 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?

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?

Yes  No

If 'Yes', on what date was the statement made?

Is there any other current appeal to us in relation to this child that we are dealing with at the moment?

Yes  No

If 'Yes' please give the appeal number.

Are you appealing about another child in your family at the same time?

Yes  No

If 'Yes', what is the appeal number?

If you have answered 'Yes' to either of the last two questions, would you like these appeals to be heard at the same time if that is possible?

Yes  No

continued over the page ➡

## 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 a statutory assessment

I (or the school) asked the local authority to assess my child but they refused.

My child already has a statement. I (or the school) asked the local authority to reassess my child but they refused.

#### B. Refusal to amend the statement following a review

The local authority has reviewed my child's statement and decided not to amend it.

#### C. Refusal to make a statement of special educational needs

The local authority assessed my child but refused to make a statement.

**If you have a 'note in lieu', please send us a copy and any supporting documents, including any reports that formed part of the assessment.**

#### D. 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 reassessment and:

I disagree with what part 2 of the statement says about my child's special educational needs.

I disagree with what part 3 of the statement says about the educational help or provision my child should receive.

I disagree with the school named in part 4 of the statement.

The local authority has not named a school in part 4 of the statement.

If you are appealing against the school named in part 4, please give us the name and address of the school you would prefer to be named.

Name of school

Address and postcode

Have you told the school you want it named in the statement?

Yes

No

If 'Yes', please confirm the date you told the school

**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?

Yes

No

**If you do, please send us a copy of this letter or confirmation.**

If you cannot name a particular school, please describe the type of school you would like your child to go to.

**E. Change of school**

The statement was at least one year old when I asked the local authority to change the school named, but they refused.

**F. Decision to stop maintaining a statement**

The local authority decided to stop maintaining (cancel) my child's statement.

It is important that you give enough reasons so the local authority can 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.**

**Refusal to assess or reassess** – please tell us why you think your child needs a statutory assessment or reassessment.

**Refusal to make a statement** – please tell us why you think your child needs a statement.

**Parts 2 or 3 of the statement** – please tell us what you disagree with and why, and what you would like the parts to include or not include.

**A school named in part 4 of the statement** – 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.

**Refusal to amend the statement following a review** – please tell us what amendments you would like to the statement.

**No longer maintaining a statement** – please give reasons why you think your child still needs 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 a copy of our claim form and booklet 'Disability Discrimination in Schools', please tick the box.

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 give us the date you sent your claim in.

Please give us 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 have signed it. Then, please send the form and all other relevant documents to us at:

First-tier Tribunal (HESC)  
Special Educational Needs and Disability  
Mowden Hall  
Staindrop Road  
Darlington  
DL3 9BG.

By fax: 01325 391080

**Please note we cannot accept an application form by email.**

If you need to contact us by phone, our number is 01325 392760.

Please make sure that you keep a copy of your claim.

**Parent one signature**

**Parent two signature**

(You need only sign this if you are claiming as well as parent one.)

**Legal representative's signature**

(This box only needs to be signed if you have given your legal representative permission to act for you and sign on your behalf.)

**Date**

**Please make sure that you have filled in the checklist on the first page of the appeal form and enclosed all the documents we need.**