

What should I do if I am unhappy about a decision?

If you are not happy about a decision that has been made in relation to:

- A decision by the local authority not to carry out an EHC needs assessment or re-assessment
- A decision by the local authority that it is not necessary to issue an EHC plan following an assessment
- The description of a child or young person's SEN specified in an EHC plan, the special educational provision specified, the school or other institution (such as mainstream school/college) specified in the plan or that no school or other institution is specified
- An amendment to those elements of the 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

Disagreement Resolution Services

Disagreement resolution services are for all parents of children and young people with Special Educational Needs (SEN) and young people with SEN. Using this service is voluntary and covers SEN provision as well as disagreements about health and social care.

This applies specifically to parents and young people who are considering appealing the tribunal about Education, Health and Care needs assessment and the special educational element of the EHC Plan.

Mediation

Mediation is also a voluntary process for parents and young people, which you can use if you cannot reach an agreement with your local authority or Clinical Commissioning Group (CCG) in matters relating to Education, Health and Care Plans. It only covers disagreements you may have in the following circumstances when your local authority decides:

- Not to carry out an EHC needs assessment or re-assessment of your child
- Not to draw up an EHC plan for your child, once they have done a re-assessment
- Not to amend your child's EHC plan after the annual review or re-assessment
- To cease to maintain your child's EHC Plan

Where the local authority has drawn up an EHC Plan for your child, mediation must be available if you disagree with:

- The parts of the plan which describe a child's special educational needs
- The special educational provision set out in the plan

What are the SEN and Disability Tribunal?

The Tribunal forms the first part of the First-tier Tribunal (Health, Education and Social Care Chamber). Tribunals are overseen by Her Majesty's Courts and Tribunals Service.

Before you can appeal to the SEND Tribunal, you must have contacted a mediation advisor (unless your appeal is only about the school or local authority has named in your child's plan or if they have not named a school in it). You will need a certificate from the mediation advisor to register an appeal. You have one month from receiving the certificate or two months from the original discussion (whichever is the later date) to register an appeal with the Tribunal.

The Tribunal hears appeals against decisions made by the local authorities in England in relation to children and young people's EHC assessments and plans. It also hears disability discrimination claims against schools and against the local authorities when the local authority is the responsible body for a school.

The Tribunal seeks to ensure that the process of appealing is as user-friendly as possible, and to avoid hearings that are overly legalistic or technical. It is the Tribunal's aim to ensure that a parent or young person should not need to engage legal representation when appealing a decision. Parents and young people may find it helpful to have support from a voluntary organisation or friend.

What can I appeal about and how can I appeal?

Parents and young people can appeal to the Tribunal about:

- A decision by the local authority not to carry out an EHC needs assessment or re-assessment
- A decision by the local authority that it is not necessary to issue an EHC plan following an assessment
- The description of a child or young person's SEN specified in an EHC plan, the special educational provision specified, the school or other institution or type of school other than an institution specified in the plan or that no school or other institution is specified
- Amendment to these elements of the EHC plan
- A decision by a local authority not to amend an EHC plan following a review or re-assessment
- A decision by a local authority to cease to maintain an EHC plan

The Tribunal does not hear appeals about Personal Budgets, but will hear appeals about the special educational provision to which a Personal Budget may apply.

Parents and young people who are unhappy with decisions about the health and social care elements of an EHC plan can go to mediation. They can also complain through the health and social care complaints procedures.

Should you require the support of Hartlepool SEND information, Advice and Support Services, you can contact the service by:

Telephone: 01429 284876/07776491662

Email to: HARTLEPOOLIASS@hartlepool.gov.uk.

Further information about the SENDIAS Service can be found on the website:
www.hartlepoolsendiass.co.uk/

Approved List of Providers of Independent Disagreement Resolution and Mediation

For Education, Health and Care Assessments and Reviews

1. Chapel Mediation Service
Sue Hall
St Clare's Chapel
Victoria Road
Barnard Castle
Co. Durham
DL12 8HR

Contact: Sue Hall
Contact No: 01833 630309 or 07792 227526
Email Address: suehall113@gmail.com

This document was reviewed and updated February 2023