

Right of Appeal

When local authorities (LAs) make certain decisions about the education and/or training of a child or young person with SEN, there is a right of appeal to the First-tier Tribunal (Special Educational Needs and Disability) (the **SEND Tribunal**).

To be able to appeal, you must be a parent or a young person over the age of 16. In education law 'parent' means you are either a birth parent, have acquired parental responsibility or have care of the child (e.g. a foster parent or grandparent with whom the child lives).

If the decision concerns a child, it is the parent who has the right of appeal. If the decision concerns a young person, then it is the young person who has the right of appeal.

When can I appeal?

You can bring an appeal to the SEND Tribunal if an LA:

- Refuses to carry out EHC Needs Assessment or a reassessment of needs;
- Refuses to issue an EHC Plan;
- Issues or amends an EHC Plan but you disagree with any or all of Section B (special educational needs), Section F (special educational provision) or Section I (placement);
- Decides not to amend an EHC Plan following an Annual Review
- Decides to cease to maintain the EHC Plan at any point.

Parents and young people were also given a right from April 2018 to have the tribunal consider recommendations to the health and social care sections of the plan (Sections C, D, G and H)

Before bringing an appeal to the SEND Tribunal, you must consider **Mediation**. This does not mean that mediation is compulsory, but it must be considered.

The exception is if you are appealing only about the school or college placement, or where no school or college is named and you are appealing about that fact.

For more information about the process of bringing an appeal about an EHC needs assessment or EHCP including information on disability discrimination contact www.ipsea.org.uk

Contact **Telford and Wrekin SENDIASS** for information, advice and support:

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