

The SEN & Disability Tribunal

When can you appeal to the SEN and Disability Tribunal?

You can appeal to the First Tier Tribunal, sometimes referred to as the SEND Tribunal, if the Local Authority (LA) decides not to formally assess your child's special educational needs. Additionally, the Government have extended the powers of the First-tier Tribunal (SEND), to make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans.

You are able to request recommendations about the health and social care needs and provision specified in EHC plans, in addition to the educational aspects, when making a SEND appeal. 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 live throughout the appeal.

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).

You cannot appeal to the SEN & Disability Tribunal about the following:

You cannot appeal to the Tribunal against:-

- The way in which the LA carried out the assessment or the length of time it took;
- The way the LA are arranging to provide the help set out in your child's EHC plan;
- The way the school is meeting your child's needs;
- The description in the EHC plan of your child's non-educational needs or how the LA and health services plan to meet those needs (Social Care & Health elements) unless you are already making an appeal in relation to the education aspects of the EHC plan.

If you want any further information or wish to appeal:

There is a booklet which you can obtain from the Tribunal at:-

HM Courts & Tribunal Service
Special Educational Needs & Disability Tribunal
1st Floor, Darlington Magistrates' Court
Parkgate
Darlington DL1 1RU

Helpline: 01325 289 350

E-mail: send@justice.gov.uk

If you wish to appeal, the tribunal must receive your appeal within two months of the date on the decision letter, or one month from the date of a mediation certificate, whichever is later.