

10. SEND Tribunal



The SEND Tribunal is a national, independent service that helps families challenge decisions made by their local council about their child's special educational needs (SEN). You might sometime here it referred to by its full name, which is 'The First-Tier Tribunal' (Special Educational Needs and Disability). There are no charges to make an appeal – it is free.

Who Can Appeal?

You can appeal if you are:

- A parent of a child from birth up to the end of compulsory school age
- A young person aged 16 to 25, if they have the mental capacity to make decisions themselves
- A parent or representative of a young person who lacks the capacity to make decisions.

What Can You Appeal About?

You can appeal to the SEND Tribunal if you're unhappy with a decision your local authority (LA) has made in relation to an Education, Health and Care Needs Assessment or an Education, Health and Care Plan (EHCP).

Reasons for appeal include:

- The LA refuses to carry out an Education, Health and Care (EHC) Needs Assessment
- The LA refuse to issue an Education, Health and Care Plan (EHCP) after an assessment
- You receive a final EHCP but disagree with:
 - The description of your child's needs (Section B)
 - The support your child should receive (Section F)
 - The school or setting named in the EHCP (Section I), or if no setting is named
- The LA refuses to reassess your child's needs
- The LA refuse to make changes to the EHCP after a review or reassessment
- The LA decide to cease (end) your child's EHCP.

What Decisions Can't Be Appealed?

You cannot appeal to the Tribunal about:

- How your child is supported in school or college if they don't have an EHCP
- How the school or local authority is delivering the support in the EHCP
- Delays or missed deadlines in the EHCP process or annual review



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- Transport issues, unless they relate to the school named in the EHCP
- If the local authority doesn't follow what the Tribunal has ordered.

If you're experiencing any of these issues, please contact SENDIAS for advice on possible next steps.

Can the Tribunal Look at Health and Social Care in the EHCP?

The Tribunal cannot consider health or social care issues alone - there must be an educational component to the appeal. Additionally, the Tribunal cannot order health or social care provision - only recommend it.

When Can I Start My Appeal?

You can only start your appeal once you have received the letter from the local authority that outlines the decision you're appealing (you can find this in the EHC Hub).

Time Limits for Appealing

If you want to appeal, you'll need to decide whether to try mediation first. This is a chance to resolve things without going to Tribunal. You'll need a mediation certificate to show you've considered it, unless your appeal is only about the school or type of school named in the EHCP (Section I).

You must send your appeal to the Tribunal:

- Within 2 months of the date on the decision letter from the local authority, or
- Within 1 month of getting your mediation certificate, whichever is later.

In rare cases, the Tribunal may allow appeals after the deadline, but only if there's a very good reason. It's best to submit your appeal on time.

Getting Help with Legal Aid

You might be able to get [legal aid](#) to help with your appeal. This means a solicitor's firm could give you advice and help prepare your case. However, legal aid does not cover having a solicitor represent you at the actual Tribunal hearing.

To qualify for legal aid, you'll need to go through a financial assessment to check if you're eligible.

Need More Support?

If you would like further information on the Tribunal process, please contact Doncaster [SENDIAS Service](#) by calling [01302 736920](tel:01302736920) or email: sendias@doncaster.gov.uk.



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