

Haringey SENDIASS

Guidance and policy on support with SEND Tribunal appeals

This policy explains the support that Haringey SENDIASS can provide if you are considering lodging an appeal to the SEND Tribunal.

What you can appeal to the SEND Tribunal about

The SEND Tribunal is a government-funded body that considers appeals about Local Authority decisions relating to special educational needs, including a refusal to:

- assess a child or young person's educational, health and care (EHC) needs
- reassess their EHC needs
- issue an EHC plan
- change what's in a child or young person's EHC plan
- maintain the EHC plan

The SEND Tribunal also:

- considers appeals against discrimination by schools or local authorities due to a child's disability
- has the power to make non-binding recommendations about health and social care issues relating to a child with SEND.

Before you consider a Tribunal appeal

SENDIASS can advise and assist you with considering all your options for possible ways to reach a satisfactory resolution of the issue(s) without needing to go Tribunal. This can include both **informal mediation** with the Local Authority and/or school, and/or **formal mediation** conducted through the appointed organisation for Haringey, which is Global Mediation Services.

Even after submitting a Tribunal appeal we advise (and we can assist you with) continuing to communicate with the Local Authority or school, as you may be able to resolve the issue prior to the Tribunal hearing through discussions and/or mediation.

Time limits for appealing to Tribunal

An appeal form must be received by the Tribunal within 2 months after the decision letter was sent by the Local Authority, within 1 month from the date of a mediation certificate,

Information and advice about how to appeal to the SEND Tribunal

There is free information available on the IPSEA website:

<https://www.ipsea.org.uk/appealing-to-the-send-tribunal>

Here is a short video explaining what happens at SEND Tribunal hearings

<https://www.youtube.com/watch?v=SPEMtWWYAZ8>

SENDIASS can support you with:

- information on how to lodge an appeal
- advice on the grounds for appeal under SEND legislation
- preparation of documents for your appeal
- guiding you through the process

Please note: The type of support that SENDIASS can offer is not the same as having a lawyer as your representative at a Tribunal (see more below). Our role is to provide impartial advice about SEND law and procedure, and to support you to articulate your case.

SENDIASS cannot do the following:

- correspond on your behalf with Global Mediation or with the Tribunal
- act as your formal representative at the Tribunal hearing*
- guarantee to attend a Tribunal Hearing with you – see more below

**unless in exceptional circumstances – see below*

Support at Tribunal hearings

Where our SENDIASS team's staffing resources allow we may be able to accompany you to the Tribunal hearing in the role of a supporter/helper, however we cannot guarantee to do this as we are a small team with limited resources. Where a parent or young person is unable to speak for themselves at the hearing we may be able to act as their Representative at the Tribunal, where our staffing resources allow.

Our criteria for deciding who we prioritise to assist with attending a Tribunal hearing are:

- those who do *not* qualify for free representation from other sources, such as Legal Aid. **We require all those requesting SENDIASS support to first check whether or not they qualify for Legal Aid. This can be done through this government website: <https://www.gov.uk/check-legal-aid> (See more on legal aid below)**
- parents or young people who have additional needs and would face significant barriers to articulating their case at a Tribunal Hearing without assistance
- cases where there is a reasonable chance of the appeal succeeding, in the opinion of our trained SENDIASS Advisers.

Legal representation

As a parent or young person you do not need a lawyer to represent you at the SEND Tribunal. The vast majority of parents who appeal to the Tribunal do not have any representation and speak for themselves.

If you do choose to instruct a legal representative then SENDIASS will step back from active involvement, but we will remain available to give information and support around related issues.

Mediation

For details of how to access formal mediation process with the Local Authority, contact the Haringey SEN Team: 020 8489 1913.

The mediation service provider used by Haringey is: Global Mediation: 0208 441 1355

Further information and link to appeal forms

For more information about appealing to the SEND Tribunal including the forms to lodge an appeal see links below:

- <https://www.gov.uk/courts-tribunals/first-tier-tribunal-special-educational-needs-and-disability>

SEND Tribunal contact details

First Tier Tribunal (Special Educational needs and Disabilities)

Email send@justice.gov.uk

Telephone 01325 289 350

Address: 1st Floor, Darlington Magistrates Court, Parkgate, Darlington, DL1 1RU

Legal Aid

You can find details of law firms and charities that can potentially provide help through legal aid on this government website:

<https://checklegalaid.service.gov.uk/find-a-legal-adviser?category=education>

See list below of some of these providers. They will undertake a free check whether you qualify for legal aid by asking about your finances.

Note: inclusion on the list below does not mean that SENDIASS is recommending or endorsing any of these organisations.

- Just For Kids Law
- Coram Children's Legal Centre
- Simpson Millar Solicitors LLP
- Sinclairs Law Ltd
- Harrow Law Centre
- Irwin Mitchell
- Coram Children's Legal Centre
- Lawstop
- Cartwright King Ltd
- Bailey Wright & Co

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