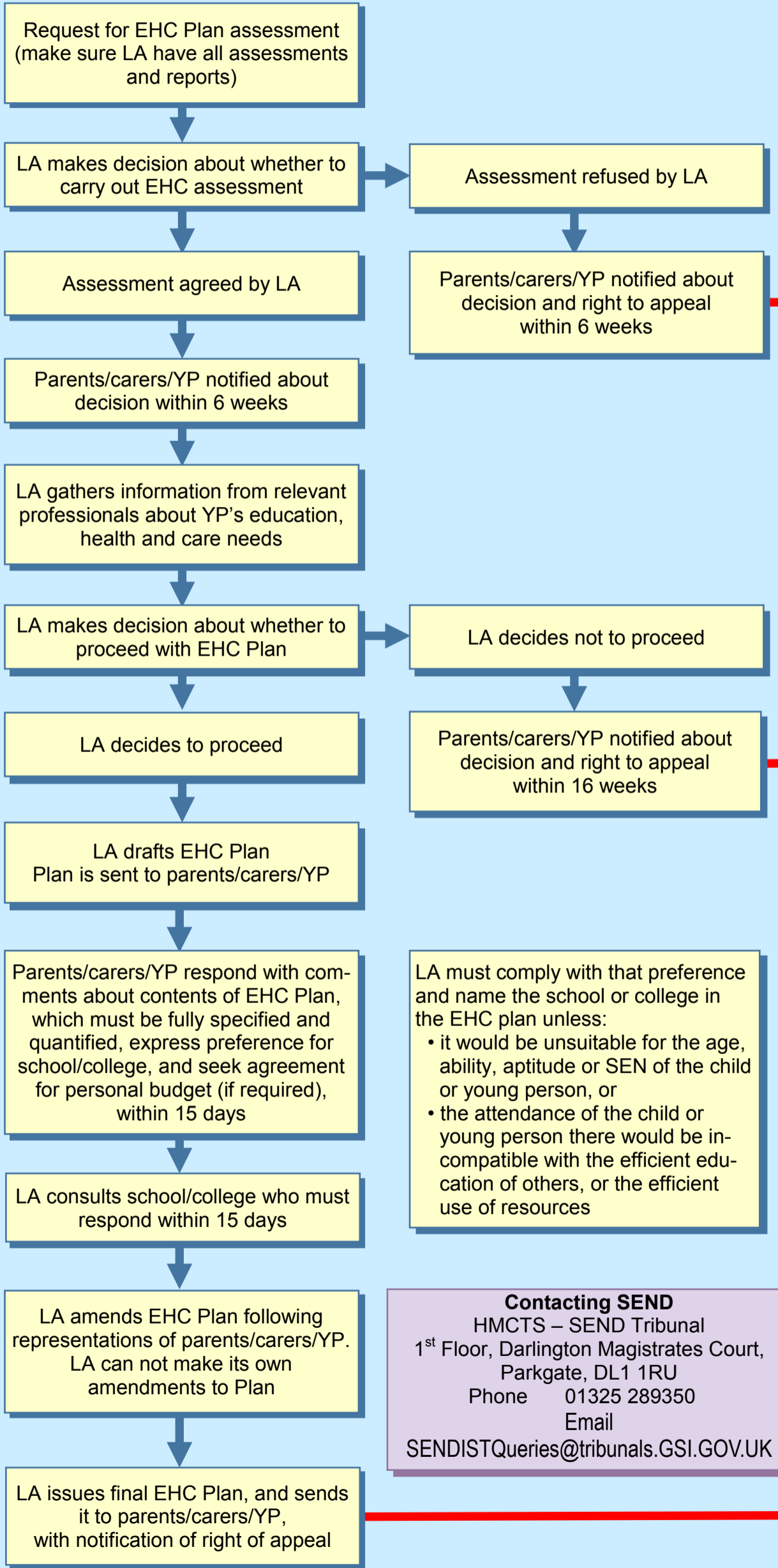


EHC Plan Assessment and Development

Appeals against LA Decisions

Maximum time for EHCP assessment and development : 20 weeks



Dispute resolution
You can apply to LA at any stage of EHC assessment or plan. Disagreement resolution is the responsibility of the LA but the service is impartial and resolution facilitators are independent and have the appropriate experience,

Appealing LA decisions.
You must make the appeal within 2 months of the LA decision.
You can lodge appeals about :

- a decision by LA not to assess or re-assessment
- a decision by LA not to proceed with EHC Plan
- the description of a child/YP's SEN specified in an EHC plan, the special educational provision specified, the school or other institution or type of school or other institution specified in the plan or that no school or other institution is specified
- an amendment to these elements of the EHC plan
- a decision LA 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

Appeals only about school named do not need to go through mediation

To lodge an appeal inform LA to arrange contact with mediation advisor. You can choose to proceed with mediation or go straight to Tribunal. Mediators must be independent and can not be anyone employed by a local authority

Proceeding with mediation. LA will arrange the mediation session

Not proceeding with mediation. Mediator issues certificate within 3 working days

Certificate to confirm conclusion issued by mediator within 3 working days

Appeal lodged with SEND Tribunal
SEND will register your appeal
CASE management issued (stating dates by which actions must be taken)
Appeal documents sent to LA
LA issues response to appeal
Hearing date and venue decided
Hearing usually takes 1 day
Decision of Tribunal issued
Appeal time scale : 4 months

Contacting SEND
HMCTS – SEND Tribunal
1st Floor, Darlington Magistrates Court,
Parkgate, DL1 1RU
Phone 01325 289350
Email
SENDISTQueries@tribunals.GSI.GOV.UK

For more detail or further information see
"Special educational and disability code of practice : 0 to 25 years" (2014); Sections 9 and 11