**Maximum time for EHC Plan assessment and development :** 20 weeks

Request for EHC Plan assessment (make sure LA have all assessments and reports)

LA makes decision about whether to carry out EHC assessment

Assessment refused by LA

Parents/carers/YP notified about decision and right to appeal within 6 weeks

Assessment agreed by LA

LA gathers information from relevant professionals about YP’s education, health and care needs

Parents/carers/YP notified about decision within 6 weeks

LA makes decision about whether to proceed with EHC Plan

LA decides not to proceed

Parents/carers/YP notified about decision and right to appeal within 16 weeks

LA decides to proceed

LA drafts EHC Plan

Plan is sent to parents/carers/YP

Parents/carers/YP respond with comments about contents of EHC Plan, which must be fully specified and quantified, express preference for school/college, and seek agreement for personal budget (if required), within 15 days

LA must comply with that preference and name the school or college in the EHC plan unless:
- it would be unsuitable for the age, ability, aptitude or SEN of the child or young person, or
- the attendance of the child or young person there would be incompatible with the efficient education of others, or the efficient use of resources

LA amends EHC Plan following representations of parents/carers/YP. LA can not make its own amendments to Plan

LA issues final EHC Plan, and sends it to parents/carers/YP, with notification of right of appeal

**Contacting SEND**

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

**Appeals against LA Decisions**

**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

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

Hearing date and venue decided

Hearing usually takes 1 day

Certificate to confirm conclusion issued by mediator within 3 working days

To proceed with mediation. Mediator issues certificate within 3 working days

**Appeal time scale :** 4 months

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