

Appealing School Placement via the SEND Tribunal

Considering your Appeal

- You will receive a letter from LA with copy of final EHCP
- This will give you your Right of Appeal
- Check the Time Limits
- There will be information about Mediation
- There will be information about Accessibility of Disagreement Resolution

Starting your Appeal

- Get information about the process (SEND 37)
- Other sources of help (WNC SEND IASS, IPSEA)
- Download relevant form, [Form 35](#)
- Read carefully before completing your application. Contact WNC SEND IASS on 0300 126 1039 for help.

Registering Your Appeal

- Send completed form via email or post (Recorded delivery). Include:
 - LA Letter
 - Copy of the EHCP
 - All relevant documents and reports from key professionals
 - Once registered you will receive notification and a reference number
 - Case directions sent (will include key dates for LA response, Attendance Form, Final evidence and Hearing Date)

Appealing Placement

- What schools can you name?
- Any maintained school or Nursery (mainstream or special)
- Any Academy (mainstream or special)
- Any non- maintained special school
- Any Sec 41 schools

Reasons Why LA Can Refuse

- The setting is unsuitable for the age ,ability, aptitude or SEN of the child
- The attendance of the child would be incompatible with the *efficient education of others*
- The attendance of the child would be incompatible with the *efficient use of resources*

The LA has to prove at least one of the these to dislodge your preference.

Preparing Your Case

Unsuitability

- Gather evidence about the type of children admitted by the school (Prospectus, Ofsted Reports)
- Look at the evidence about your child's need sin the plan (consider other evidence if not already in there)

Efficient Education of Others

- Evidence what is incompatible (things that may stop other children being educated (Real not trivial)
- Often used if school is "Full" – has the school extended numbers in the past
- Is the year or class child is going into full
- What is the ratio of Adult to children in that class

Efficient use of Resources

- Find out exact details of costs the LA will incur plus transport
- Cost of place of the school they have named including transport (Therapies and support)

Independent Schools

- Parent does not have the same right as when choosing a section 38 school
- LA has duty to consider as long as above criteria are met
- If LA refuses to name sec 38 school the onus is on them to prove that named school can meet the needs
- If parent appeals an Independent school the onus is on them to prove why school named by LA cannot meet needs

