

# Appealing Section I only in an EHC Plan

**You have received notice of what your child's educational placement will be, as named in Section I of the EHC Plan. Sometimes the LA might not name your preferred school of choice, which can feel frustrating. If you are unhappy with the LA's decision for school placement in your child's EHC Plan and you wish to lodge an appeal, then you will need to follow the correct legal process.**

## Do I have to consider Mediation?

Mediation is not mandatory for Section I appeal; however this can be requested. An alternative option could be a Disagreement Resolution. This is voluntary request to the LA up to their discretion to accept to ask if they are willing to meet with you to see if the issue could be resolved through a discussion. [IPSEA](#) has further information about this.

## How long do I have to Appeal?

You only have **two months** from the date of the letter sent with the final EHC Plan in which to lodge your appeal to the tribunal.

## How do I lodge an Appeal?

You need to complete the [SEND 35 appeal form](#). You'll be asked to give information about you and your child and your LA. You'll also be asked to say why you are appealing. You should include relevant information about the school or institution you are wanting to be named in the EHC Plan. This should include its most recent Ofsted report, its prospectus, details of the costs of the placement, and any reports or assessments about the child or young person which the school or other institution has produced. You can refer to this evidence to support your arguments that this setting can support the child or young person's needs.

In the case of a school which is wholly independent, you will need to include the consent of the school in order to ask the Tribunal to name it in the EHC Plan. This should be a letter from the school confirming that they have offered the child or young person a place.

Don't worry if you don't have all supporting evidence ready to send straight away; you can send more evidence after you've registered your appeal. The [IPSEA website](#) has lots more information about how to appeal Section I.

If you have any queries about the SEND35 form or wish to talk through the form before you submit, please feel free to contact the team and we can support you with this.

Along with your appeal form, you will also need to include the EHC Plan, the LA decision letter that came with the plan, and send to the SEND tribunal - [send@justice.gov.uk](mailto:send@justice.gov.uk). Write in the subject heading of your email 'New Appeal' to ensure it is dealt with quickly. If your child is moving to Reception, Year 7, post 16 or only in school

part-time/ out of school, then add this to the subject heading, as this may help with priority. Make sure your completed appeal form is signed and dated (just enter your name if you do not have an electronic signature).

### What happens after I lodge the Appeal?

After you have submitted your email lodging your appeal, you should receive an automatic response from the Tribunal immediately, so if that is not the case, check the email address.

The SEND tribunal service will then register your appeal and issue a registration letter within 20 working days which will detail any next steps, this will include an opportunity to send further information/evidence for the hearing and the date of the final hearing for your appeal to take place. If you have any queries throughout your appeal process or need advice about your next steps, please feel free to contact the team and we can advise and support you with this.

### Change or withdraw your Appeal

You can change or withdraw your appeal before the hearing. Download and fill in:

- [form SEND7](#) to change your appeal, for example ask for a different hearing date or add more witnesses
- [form SEND8](#) to withdraw your appeal

### If you win your Appeal

If you win your appeal, the LA must act on the tribunal's decision to change the school or placement (section I) in the plan must be within 2 weeks.

### If you lose your Appeal

You might be able to:

- Get the decision 'set aside' (cancelled) if you think there's been a mistake in the process.
- Ask the tribunal to 'review' the decision, for example if your circumstances have changed since you got the decision, or the decision contains a mistake.
- Ask for permission to [appeal to the Upper Tribunal](#) (Administrative Appeals) Chamber if you think the tribunal's made a mistake and acted against the law.

Your decision letter will tell you how to get the decision set aside or ask the tribunal to review the decision.

