

ISSUE 11:

Topic 1: Appealing Sections B, F and I in an EHC Plan

Topic 2: Appealing Section I only in an EHC Plan

Parent Support Group Highlight – Cerebral Palsy Northamptonshire

SENDIASS West Northants Information Bulletin

Topic 1: Appealing Sections B, F and I in an EHC Plan

There are certain parts of the plan you can appeal to SEND Tribunal, these are B (the needs), F (the provision) and I (the education placement) – you can appeal any or all these sections. You can appeal these sections either following a final Education, Health and Care (EHC) Plan being issued, a decision by the Local Authority (LA) not to amend the EHC Plan following a review or reassessment or if changes were made to the plan that you don't agree with.

How long do I have to appeal?

You only have **two months** from the date of the letter sent with the final EHC Plan, or **one month** from the date on the mediation certificate – whichever is the later – in which to lodge your appeal to the tribunal. We have a separate factsheet around mediation.

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 – so for example, why you think the local authority's decision is wrong, or why what's in the plan needs to change. Try to put in everything you need to say and support it with the evidence you have, such as reports, assessments and annual review paperwork if this is an existing plan. If you can, also include your child's voice such as in their own writing/ a drawing or via another person working with your child (add their name and profession). 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.

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, the mediation certificate and send to the SEND tribunal - 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 within a set amount of time:

- Changing the needs or provision (sections B or F) in the plan must be within 5 weeks.
- Changing 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.

Topic 2: 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. 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).

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Change or withdraw your appeal

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- [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.

Parent Support Group Highlight – Cerebral Palsy Northamptonshire

Who Are We:

Cerebral Palsy Northamptonshire is a registered charity with a base in Northampton. It was established over 60 years ago by parents of children with cerebral palsy.

Membership is free and open to people of all ages with any form of cerebral palsy (including hemiplegia, diplegia, ataxic/athetoid or dyskinetic palsy, and quadriplegia) that live in Northamptonshire. Members can apply for grants to help purchase special items of equipment or financial help towards holidays.

Cerebral Palsy Northamptonshire organises a busy schedule of events and activities for its members. The charity sends out a monthly newsletter to its members detailing these, along with services that are available and other relevant information.

Contact Details:

- Email address: cerebralpalsynorthamptonshire@hotmail.co.uk
- Website: cerebralpalsynorthamptonshire.co.uk
- Facebook: [Cerebral Palsy Northamptonshire](https://www.facebook.com/CerebralPalsyNorthamptonshire)
- Coordinator's phone number: 07443562739



<p>✉ SENDIASS@westnorthants.gov.uk</p> <p>📘 Sendiass West Northants</p> <p>📷 @sendiasswestnorthants</p> <p>📞 @SENDIASSWNC</p> <p>☎ 0300 126 1039</p> <p>🌐 www.iassnorthants.co.uk</p>	<p>SEND IAS West Northants</p>	<p>Information Advice Support Service</p>
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