



## **Guidance for summonsed witnesses**

You have been summonsed to give evidence at a Tribunal hearing. You may find it helpful to have some background information about the Tribunal and the role of witnesses at hearings. This leaflet also explains how you can object, if you think your participation is unnecessary or inappropriate.

### **What is SEND?**

SEND is an independent tribunal which hears and decides two types of case:

- Parents' appeals against LA decisions on their children's special educational needs and
- Parents' claims about disability discrimination against pupils in schools.

In special educational needs appeals parties can bring three witnesses to give evidence. In discrimination claims under the Disability Discrimination Act parties can bring up to five.

### **Why you have been summonsed**

One of the parties has asked us to summons you because it considers that your participation is essential for a proper hearing of the case. You may have indicated that you cannot be available to attend unless you are summonsed, or the party concerned may wish to guarantee your attendance.

### **Notification**

If you receive a summons less than five working days (normally one week) before the hearing, you cannot be required to attend unless you have already agreed to this.

### **Expenses**

If you have been asked to attend on behalf of the parent(s) you can reclaim your travel costs. You may also be able to claim a standard allowance towards any loss of earnings. A copy of our guidance on the expenses witnesses can claim is enclosed.

## Your role in the proceedings

Although only one of the parties is likely to have asked for the summons, your role at the hearing will be to help the tribunal panel understand the case. They will ask questions and look for a helpful, objective response. You will not be expected to speak on behalf of only one of the parties.

You may not be forced to give any evidence or produce any information that you could not be forced to produce at a trial of an action in a Court of law.

## Conflict of interest?

You may have been summonsed because your employer has asked you not to attend because of a potential conflict of interest. In the Tribunal's opinion, your duty to provide the panel with helpful and objective evidence takes precedence over your obligations to your employer, and you should not be penalised for helping the tribunal.

## If you wish to object

If you do not think that you should have to come to the hearing, please write to explain why. Explain your familiarity with the case and why it would be unnecessary or inappropriate for you to attend. If this is related to other commitments on the day, please explain their importance.

A Tribunal Judge will consult the party who requested the summons before making a decision on whether to cancel the summons.

## Write to:

Special Educational Needs & Disability  
Mowden Hall, Old Hall  
Staindrop Road  
Darlington  
DL3 9BG

## If you do not attend

If, without permission, you fail to attend the hearing you will be liable for a fine of up to £1,000.

## You can help us

We are committed to providing a high quality service. One of the ways we can continue to improve is by listening and responding to you. We welcome your comments on this guidance, or indeed on any aspect of our service.

You should address your comments to the Tribunal Manager at:

Special Educational Needs & Disability  
Mowden Hall, Old Hall  
Staindrop Road  
Darlington  
DL3 9BG

You do not need to give your name, but if you do we will acknowledge your comments and, if we can, respond to the points you raise.