



Tribunals Service

Special Educational Needs
and Disability

How to Appeal an SEN Decision: A Guide for Parents

Last Updated 17/12/2008

Website: www.sendist.gov.uk

SEN Helpline: ☎ 0870 241 2555

Introduction

First Tier Tribunal (Special Education Needs and Disability Discrimination)

On the 3rd November 2008 SENDIST became part of the First-tier Tribunal. It is in the Health, Education and Social Care Chamber (HESC). The tribunal is independent. The Government cannot influence the tribunal's decision, and the Panel has no connection with any Local Authority (LA).

The Tribunal considers parents' appeals against decisions of LA's about children's special educational needs when parents cannot reach agreement with the LA.

Individual appeals are heard by a panel of three appointed people. The panel is chaired by a tribunal judge (who is a lawyer), and the other two members are non-legal (specialist) members who have knowledge and experience of special educational needs and disability.

The Tribunal also considers parents' claims of disability discrimination in schools. For more information about how to make a claim about disability discrimination, please contact our helpline on 0870 241 2555, or refer to our booklet How to Make a Disability Discrimination Claim.

We have to operate according to Rules and Practice Directions. These are available on our website www.sendist.gov.uk.

We use the word 'tribunal' throughout this booklet although it can have different meanings. A Hearing which decides the case is held by a tribunal panel of three but there are times when a tribunal judge is able to make a decision alone. In both cases we are a 'tribunal'.

Also, although the Rules talk about an "application" that includes an appeal. In this booklet we will continue to use the word appeal (and claim for disability discrimination cases).

We use the term LA to cover a local council's local education authority and the newly created children's services in the area where you live. As different local authorities have different titles, we thought it best to be consistent throughout this booklet.

You must appeal within 2 months of the LA's final written decision being sent to you

If you have not received an acknowledgment within two weeks of sending in your appeal, please call us on 0870 2412555

Making an Appeal

When you can appeal?

If you have not been able to reach agreement with your Local Authority (LA) about your child's special educational needs, you may be able to appeal to us. There is a **two month time limit** for appealing to us which starts from the date on the LA's letter giving their final written decision. **Even after making an Appeal to us, you should continue to try to resolve the matter with the LA.**

What you can appeal about?

You can appeal if the LA:

- Will not **carry out a statutory assessment** of your child's special educational needs, following a request by you or by your child's school.
- Refuses to **make a statement** of your child's special educational needs, after a statutory assessment.
- Refuses to **reassess** your child's special educational needs if the LA has not made a new assessment for at least six months, following a request by you or by your child's school.
- Decides **not to maintain (decides to cancel)** your child's statement.
- Decides **not to change the statement** after reassessing your child.
- Refuses to **change the school** named in your child's statement, if the statement is at least one year old (but you can only ask for a school that is funded by an LA). This is limited to the same type of school as the school named in the statement and it is not possible to ask us to alter Parts 2 or 3 (described below in more detail).

If the LA **has made a statement**, or has changed a previous statement, you can appeal against any or all of:

- The part which describes your child's **special educational needs (part 2)**
- The part which sets out **the special educational provision (help) (part 3)** that the LA thinks your child should receive.
- The **school or type of school named** in part 4 of the statement.
- The LA **not naming a school** in part 4.

Important – please note that if you disagree with parts 2 or 3 of the statement, you will need to give reasons why and explain what changes you would like made.

If you disagree with either the school named or the type of school described in part 4, then you will need to ensure that you tell us the name or the type of school you want your child to attend. We will also need you to give reasons why you think the school you have asked for is suitable for your child.

If you cannot name a particular school, we can take account of your wishes, if you describe the type of school you want naming in part 4.

The LA does not have to name a school in part 4 of the statement if it is satisfied that you are making suitable alternative arrangements for your child's special education as set out in the statement. If, in that event, you are unhappy that the LA has not named a school in part 4 then you will have to explain why.

Are there any issues the Tribunal cannot deal with?

Yes, you cannot appeal to us if:

- You are unhappy about the **way the LA carried out the assessment**, or the **length of time** that it took.
- You are unhappy about how the **LA or the school is arranging to provide the help** set out in your child's statement.
- You are unhappy about the way the **school** is meeting your child's needs at School Action or School Action Plus.
- You are unhappy about the description in parts 5 and 6 of the statement of your child's **non-educational needs** or how the **LA plans to meet those needs**.
- The LA will not amend the statement following an annual review.
- The LA refused to name an independent school (which normally charges fees for a child's education), a non-maintained school (a special school that normally charges fees) or a different type of school (e.g. a special school when your child currently attends a mainstream school or the other way around) where you asked for a change to part 4 in a statement that was at least a year old.

With regard to the last two bullet points, you would need to ask your LA to reassess your child and appeal to us if they refused that reassessment or if you remained dissatisfied at some later point in the process of amending your child's statement.

Because there may be some legal difficulties, we may not be able to consider an Appeal if your child is over 16 and not on the roll of a school, or is going to a further or higher education college. It will depend on each individual case.

Who do I appeal to about the issues the Tribunal cannot deal with?

Firstly you should discuss your concerns with your child's school or the LA. If you are still not happy then you can complain to the Secretary of State for Children, Schools and Families. If he agrees with your complaint he may ask the school or the LA to take action to put things right. You can get a guidance booklet from:

✉ **DCSF Publications Centre**,
PO Box 5050,
Sherwood Park,
Annesley,
Nottingham,
NG15 0DG

☎ 0845 60 222 60

You may also be able to complain to the Local Government Ombudsman. You can get a booklet giving you guidance on this either from the LA or by contacting:

✉ **Local Government Ombudsman,**

10th Floor,

Millbank Tower,

Millbank,

London SW1P 4QP

☎ 020 7217 4620

How to Appeal

You can appeal to us by filling in the Appeal form at the back of this booklet, ensuring that all the documents that we need are provided.

The Appeal Process

1. **When to appeal** - You have two months from the date on the LA's decision letter.
2. **Making an Appeal** - You appeal by filling in an Appeal form and returning it to us.
3. **Registration** - We will register your Appeal within 10 working days of receiving it. We will tell you that we have registered your Appeal and inform you of the date your Appeal will be heard.
Depending on the type of Appeal, we will also send you either some automatic directions setting out a time table to provide information and documents (if we decide that the case is straightforward) OR a Further Information form (with explanatory notes) for you to complete and return to us. We will also send a copy of your appeal to the LA.
4. **Response from the LA** - The LA has to respond within 30 working days of us sending them a copy of your Appeal notice. They will send a copy of their response and any accompanying documents to both us and you. ***Please let us know (in writing or by e-mail) if you do not receive the response within 8 weeks of us registering your Appeal.***
5. **Case Management Process** - Each appeal will be 'case managed' following registration. This process is to ensure that you, the LA and the tribunal have all the information necessary for us to reach a decision on the day of the Hearing.
If your application is quite straightforward we will send automatic directions to you and to the LA. For some appeals it may be necessary to hold a face-to-face meeting or telephone conference before the hearing. In such a case, when your Appeal is registered you will be sent a 'further information' form, explaining what type of case management your appeal will require.

6. **Informing you of the Place for your Hearing** - At least 10 working days before the Hearing we will inform you of the venue and the time of your Hearing.
7. **The Hearing** - The Hearing will take as long as necessary to enable the Tribunal to hear all the evidence relating to the appeal. For example, an appeal against a refusal to assess may take no more than half a day, but an appeal about the contents of Parts 2, 3 and 4 of a statement may take a full day, depending on the complexity of the case.
8. **Decision** - You should receive the Tribunal's decision in writing within 10 working days of the Hearing.

Note- You and the LA can ask us to increase any of the time limits mentioned in the above process, including the two month time limit in which to appeal. To do this you have to write to us giving reasons on a Request form. We will send you this form when we register your appeal. It is also available on our website www.sendist.gov.uk. A Tribunal judge will decide whether an extension is given or not.

Is there a Code of Practice?

Yes, the government has made an SEN Code of Practice which both the LA and SEND "must have regard to". This Code of Practice was issued in 2001 and is available from the Department for Children, Schools and Families (DCSF). DCSF Publications Centre (address is on page 4). The reference code is DfES/581/2001. It is also available from the teachernet website at www.teachernet.gov.uk/docbank/index.cfm?id=3724

Can I get advice about whether I can appeal?

The LA should have told you about the following groups that you may be able to get advice from

- A voluntary organisation which helps people with special needs
- A parents' group
- An independent parental supporter
- A parent partnership adviser

The LA should also have told you about its named officer who you can work with to try and resolve the issues you are appealing against.

Can I get help if I decide to make an Appeal?

The groups above and your LA officer may be able to put you in touch with an independent supporter or a representative.

You may be entitled to get Legal Aid (or public) Funding. A solicitor will be able to advise you on whether you are entitled to this. The Law Society or your Local Citizens Advice Bureau will be able to give you the names of solicitors who participate in the Legal Aid scheme and are experienced in these matters.

The Appeal Form

This section gives you details of what is required on the Appeal form

Section 1 - Your child- This section is asking for details of your child.

Section 2 - Your contact details- This section is asking for your details and the contact details of any representative that you may have.

Section 3 - Special requirements- This is asking if you have any special requirements with regards to the appeal documents and the Hearing. For example whether you need the documents translated into Braille or another language or will require wheelchair access or need an interpreter or signer.

Section 4 - Your Appeal – This section asks for information about the Local Authority and also asks about what you are appealing against.

Section 5 - Your reasons for Appeal – This section is important, as this is where you need to state your reasons for appeal. There are some guidance notes later in this booklet to assist you.

Section 6 - Claims about Disability Discrimination- This section asks whether you have an existing Disability Discrimination Claim or if you would like more information about how to make a Disability Discrimination Claim.

Section 7 - Lodging the Appeal – This section explains where your completed appeal form must be sent.

Frequently asked Questions- The Appeal Form

What if I don't send all the right information or documents?

We may have to contact you about getting the information or documents to us. If we do not have enough papers to register your appeal we will return the appeal form to you with a list of what we require. You will then have 10 working days to send them to us. If this means that the appeal form will arrive after the two month time limit, you will have to ask for an extension of the time in which to appeal.

We can register a case even if we do not have all of the documents. If this happens we will write to you asking you to provide the missing documents within 10 working days. If we do not receive them in that time, the tribunal can strike out your appeal (This means that your appeal will not happen).

Do I have to send original documents?

No. ***Please only send us photocopies of the original documents***

Do I have to send the Appeal myself?

No, but you must sign the appeal form yourself, **unless your legal representative** signs it for you (see below). If you are appealing jointly with another person, both of you must sign the form. Please be aware that we will only send any information about the Appeal to one person named on the Appeal form, the choice is yours (see the form, below). If you do not indicate a person we will send the information to the first named person.

If you have a representative and you wish them to receive all the letters and papers for the Appeal on your behalf, you should give their name and address on the form. A **legally qualified representative** may sign the form on your behalf if you have given them permission to do so. If you state on the form that your representative is going to receive all the papers, then you will not receive any correspondence in connection with your Appeal before the Hearing; it will all be sent to your representative. You will be sent the final decision, however, when it is issued. You must let us know in writing if you decide to stop using your representative or if the details of your representative change.

Do I have to complete my Appeal form in English?

No, if English is not your first language, you may appeal in your own language and we will arrange to have it translated.

What if I have any other needs?

Please ensure that these requests are stated on your Appeal form. For example if you need a signer or an interpreter at the Hearing, or need any special arrangements to be made so you can attend the Hearing.

How long will my Appeal take to be heard?

If there is a Hearing, you should have a final decision within four to five months of making your Appeal. If you reach an agreement with the LA it may take less time. If August is included then it will be five to six months as August is not classed as a working month by the rules that govern SEND.

What happens next?**What should I include in my case management form?**

Unless the case is straightforward (and we send you automatic directions) once we have registered your Appeal, we will send you a form asking for Further Information. This form will have some explanatory notes on what to do next to help you prepare for your Hearing. The Case Management process will set out a timetable for when you should send any up-to-date information and any other written reports you have. You can also let us know your child's

views. A few parents may wish to submit a short CD or DVD. In this case you will need to send us five copies and keep a copy for yourself. Please note that we do not have the facilities to watch videos or DVD's at the Hearing.

What will the LA do about my Appeal?

The LA will have the same timetable as you to send us further information and evidence. The LA's response must say whether or not they oppose your Appeal and, if they do, then they need to give reasons as to why. They should provide a summary of the facts and let us know what your child thinks about the issues. Generally LAs must find out children's views wherever possible. They may also contact you about the Appeal, as they may have looked at the evidence again and feel that they can provide some or all of what you want.

The LA may also apply to strike out (bring to an end) your Appeal if they believe it is a case that we are not able to hear. If this happens we will send you a copy of the LA's application so you can comment on it, and we will give you the opportunity to explain to the Tribunal why you think your appeal should continue.

What happens if the LA does not oppose the Appeal?

If the LA does not oppose your Appeal, we will write and ask if you wish to withdraw your Appeal (we will send you a withdrawal form to sign and return to us). Before you withdraw your Appeal you will need to decide if you are happy with what the LA has said it will do. If you are appealing about the contents of your child's statement, the LA must give us full details of the changes it has agreed to make.

If the LA tells us that it does not oppose the Appeal, but you do not withdraw your appeal, we will treat the Appeal as decided in your favour. The LA will then have a fixed period in which to provide what you have asked for.

What if the LA does not send us or you a Response?

If the LA does not send a response by the end of the time in which they have to reply, it may not be able to take any further part in the appeal.

If you wish to continue with the Appeal it will be passed to a tribunal judge who will either

- deal with your appeal by reading the papers which have been submitted, or
- decide that there should be a Hearing which the LA would not attend.

Can I comment on the LA's response?

The Case Management process allows you to make comments.

Can I send in any more documents?

You should try to send in all your documents with your Appeal. The Case Management timetable will set out if and when other documents can be sent.

Can I bring new evidence to the Hearing?

Not normally. If you want to rely on evidence outside the timetable, you will have to apply to us on the Request form. Permission may or may not be given, depending on the reasons you give.

What if the LA has more evidence?

The same rules apply to the LA as to you.

What if I find it difficult to get hold of a document that is important to my case?

If you apply to us well before the Hearing on the Request form, we may be able to make an order to get the LA or anyone else who may have relevant information to release it. We do not need to ask the LA if it has any objections in providing the document before ordering it to be released. However, if the LA does object to releasing the information a tribunal judge will consider the objections and then decide whether or not to order the LA to release the document. You will be able to comment on the LA's objections before a decision is made.

You may also be able to ask the tribunal to require someone who is not a party to the Appeal to release a document in their possession. That person or body is not the LA but could be another body such as the NHS or Social Care.

Can I change my Appeal?

Any changes to the Appeal must be made in writing and on our Request form. We will send you this form when we acknowledge your Appeal and it is also available on our website.

As required by the form, you must also set out the amendments sought and the reasons for the amendment. You must also send the form to the other party.

Can I withdraw my Appeal?

Yes, but this can only be done with our consent. If done at least **10 working days** before the hearing, consent will usually be given. The application to withdraw needs to be made on our Request form.

If you wish to withdraw less than **10 days working days** before the hearing the application needs to be made in writing on our Request form setting out the reason why the withdrawal is late. Your request will be considered by a Tribunal Judge who will decide what further action, if any should be taken.

What will happen to my Appeal if I move to live in another LA area?

You should write to us and inform us if you move to another area. We will then contact the new LA to tell them about the Appeal, as the new LA will be treated as having made the decision that you are appealing about. There will then have to be a new Case Management process and timetable for supplying evidence. The old LA will take no further part in the Appeal.

The Hearing

Please Note: A DVD is available to give you some idea before the day what happens at a hearing. This DVD is available upon request. You can call 0870 241 2555 to request your copy.

Where will my hearing be held?

We hold hearings throughout the country at various Tribunal Service buildings, and we will try and hold your hearing as close to where you live as possible. In special circumstances we may hold your hearing in a local hotel. We aim to limit travel to no more than one-and-a half hours in each direction by public transport.

What time will my hearing start and how long will it last?

Your hearing will be fixed for a certain time which is usually 10am or 2pm. Please arrive 30 minutes before the hearing time so that you can meet the clerk, familiarise yourself with the arrangements and ask any questions you may have. The length of your hearing will depend on what you are appealing about and the number of witnesses attending.

Who will hear my Appeal?

Your Claim will be heard by a panel of three Tribunal members. There will be a legally qualified tribunal Judge and two specialist members.

Do I have to come to the hearing?

You do not have to come to the hearing but it is helpful if you do. The panel will want to hear anything you have to say and you may want to ask questions of the LA and any witnesses they may bring. If you do not come, the questions will not be asked on your behalf.

Can I have a representative at the hearing?

You can send someone to the hearing to represent you whether or not you come yourself. If you do have a representative, you must inform us on the

Further Information Form who will be attending. The form will be sent to you when we register your appeal.

You may ask a solicitor or a barrister to represent you but you will not get public (or Legal Aid) funding for this and you will need to tell us on the Further Information Form about this representation.

Can both parents come to the hearing?

Yes, anyone who is a parent of the child, even if not a party to the appeal, may attend the hearing.

If, for some reason, you do not want the other parent to come to the hearing you will need to let us know why. We may agree to limit that person's involvement in the case.

Can my child attend the hearing?

Yes, they can come and give evidence. However, you should remember that it is unlikely that they will stay for the full hearing and **you must** arrange for someone to look after your child whilst they are not in the hearing. **The clerk will not be able to look after your child and it is unlikely that there will be a child friendly place for them and their carer to use in the Hearing building.**

Do I need to say if I am bringing witnesses?

Yes, you will need to inform us on the Further Information Form who you will be bringing with you. If you do not give us this information they may be prevented from participating in the hearing or even being in the room where the hearing is held. If you change your witnesses you should inform us immediately.

Please note: It is often not necessary to bring any witnesses at all. If you do want to bring a witness, you are normally allowed to bring no more than **3** to the hearing. This is because we want to ensure that hearings are over within a day and that we focus on only the relevant issues.

If you wish to bring any more than three witnesses (in addition to yourself) you will need to request permission in writing on the further information form. We do have power to limit the number of witnesses.

What if a witness refuses to come to the hearing?

If you have asked someone and they are unhappy about attending, you can write to us explaining why you feel it is important they attend. We will need to receive your request at least 10 working days before the hearing.

If the Tribunal agree, we will issue a witness summons that you should give to the person. That person would then have to attend the hearing unless there are very good reasons why they cannot.

Can I bring anyone else to support me during my hearing?

Yes, you can bring another person with you for support but they will not be able to take part in the hearing, and you must tell us on the Further Information Form who they will be. If you think that you want more than one supporter, please ask us on our Request form. We have power to exclude any person from the hearing. As it is a private hearing we will not agree to people other than supporters attending. If your representative is training someone on our Tribunal process, we will normally allow them to attend provided that they make a request in writing at least **10 working days** before the hearing. They will not be allowed to take part in the hearing.

Will I be able to ask my own questions?

Yes, you will have the chance to ask questions of the LA witnesses and also add anything you feel is important but has not been mentioned.

What expenses can be claimed?

You and your witnesses can claim travel expenses to come to the hearing. If you bring a friend or a relative to look after your child, you will be able to Claim their travel expenses as well.

You should use public transport where possible (bus, tram, standard class rail travel). If you travel by car you can claim a fixed amount for mileage. We will only pay for taxi fares if public transport is not available, or if you have particular needs (you must tell us about these before making your claim for expenses). Any taxi fare should be authorised in advance. We cannot pay for car parking and tolls.

Your witnesses can also claim a fixed amount for loss of earnings. We will send you details about claiming expenses when we write to you to tell you about the arrangements for your hearing. At the hearing the clerk will give you the relevant forms to fill in and return to us. We will then either send the expenses by post or put them straight into your account. If waiting for the expenses would cause you financial difficulty please let us know advance of the hearing, as we may be able to arrange to give you a cheque on the day, but this is not always possible. If you do not tell us in advance, we cannot give you a cheque on the day of the hearing.

The Decision

When will I know the tribunal's decision?

You should receive the decision and reasons by post within 10 working days of the Hearing. The decision will be posted to you and to the LA. Although some decisions may take longer due to their complexity.

Does the decision have to be in English?

No, you can request for the decision to be translated into another language or Braille. However, if you request this it will delay you receiving your decision.

How long does the LA have to put in place the tribunal's decision?

When your Appeal has been decided the LA **must comply** with our decision within a fixed period, beginning with the date the decision was issued.

- To start the assessment or reassessment process - **4 weeks**
- To make a statement - **5 weeks**
- To change a statement - **5 weeks**
- To change the school named in line with parents' wishes - **2 weeks**
- To continue a statement - **immediately**
- To cancel (cease to maintain) a statement - **immediately**

These timescales also apply when the LA tells us it doesn't oppose the appeal. If the LA does not comply with the order in the time required, you may have to apply to the High court to enforce.

What can I do if I am not happy about the Tribunal's decision?

We will send you a leaflet setting out in detail your options when we send you the decision. However, the following is a brief outline of your options.

When you have received a decision from the Tribunal you may consider that the decision is wrong in law or that there is another reason why the Tribunal should look again at its decision. If you think it is wrong in law you can appeal to the Administrative Appeals Chamber of the Upper Tribunal but you must first apply to us for permission to appeal.

Applications for permission to appeal against our decision and other applications that you can make following a Tribunal decision are explained in detail in the Guidance that will be sent to you with your decision.

Who can make an Application?

You can make an Application if you have been a party to an appeal or claim before the First-tier Tribunal in a special educational needs or disability discrimination case. This includes a parent, or person having parental responsibility, a local authority or a responsible body for a school.

What Applications can I make?

Following a decision of the First-tier Tribunal it is possible to make the following Applications:

A - you can apply for **permission to appeal** if you think that the Tribunal's decision was wrong in law.

B – you can ask the Tribunal to review its decision because there has been a **change in relevant circumstances** since the decision was made.

C - you can ask the Tribunal to **set aside** its decision in certain circumstances.

These three Applications are explained in detail in the Guidance we will send you with your decision.

When can I make an Application?

An Application must be made so that it is received by the Tribunal no more than 28 days from the date on the letter by which the Tribunal sent you the decision.

If you are applying more than 28 days after the decision was sent, you will need to apply for an extension of time, giving the reasons why you are applying late. If the Tribunal does not agree to extend the time, your application will not be considered.

NOTICE OF APPEAL FORM CHECKLIST- WHAT TO SEND US WITH THIS FORM

If you want to appeal against your Local Authority's refusal to assess or re-assess your child's special educational needs or if the Local Authority has assessed but does not make a statement of special educational needs, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – this can be found on section 5 of the appeal form.

If you are appealing against any or all of parts 2, 3 and 4 of the statement of special educational needs or against the school named in a statement that is over a year old, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – this can be found on section 5 of the appeal form.
- A copy of your child's current statement that came with the letter mentioned above (usually called a final statement or final revised statement)
- The appendices that accompanied the statement. These are a set of documents that are attached to the statement. **Please note:** If you are appealing against an amended statement the LA may not have attached all of the appendices. You will need to take these from the original statement.
- Written confirmation that you have informed the school that you want it to be named in part 4.

If you wish to appeal against the Local Authority's decision to cancel (or no longer maintain) your child's statement, we will require:

- A copy of the letter from the Local Authority notifying you of its decision and of your right to appeal.
- Your reasons for making the appeal – This can be found on section 5 of the appeal form.
- A copy of your child's current statement (the one the LA says it is going to cancel)

To make an appeal to the First Tier Special Educational Needs and Disability you will need to fill in this form and return it to us no later than 2 months after the Local Authority sent you its decision.

For any further information, please call our helpline on 0870 241 2555 (Open Monday to Friday 9am until 5pm) or visit our website at www.sendist.gov.uk



Tribunals Service

Special Educational Needs
and Disability

SEN APPEAL FORM

WE ARE REGISTERED UNDER THE DATA PROTECTION ACT

Please fill this form in using black ink and capital letters (we will need to copy it for the Hearing)

Section One – Your Child

Surname

Date of Birth

First Names

Boy or Girl

Section Two- Your Contact Details

Parent One

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Relationship to child.- Please explain how you are entitled to make this Appeal (e.g., Parent, guardian, foster parent or grandparent)	
Address	
Postcode	

Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Fax Number	
Email Address	

Parent Two

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Relationship to child.- Please explain how you are entitled to make this Appeal (e.g., Parent, guardian, foster parent or grandparent)	
Address	
Postcode	
Daytime Telephone Number	
Evening Telephone Number	
Mobile Number	
Fax Number	
Email Address	
Does any other person or body share parental responsibility for the child, if so please give the name and address of each person or body?	

Is there any reason why we should not tell parent 2 about the appeal. E.g. domestic violence or court order	
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Your Representative (If applicable)

Mr, Mrs, Miss, Ms, Other	
Surname	
First Names	
Profession/Organisation –	
Address	
Postcode	
Daytime Telephone Number	
Fax Number	
Mobile Phone Number	
Email Address	
Is your representative legally qualified?	YES <input type="checkbox"/> NO <input type="checkbox"/>

Who should receive information about the appeal?

First Parent	Second Parent	Representative
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Important: We can only send papers and documents to one of the people named on this form. If you do not tell us otherwise we will automatically send them to your representative (if you have one) or to the first named parent if you do not.

Ethnic Monitoring

It would help us if you could circle one of the following. You do not have to, but the information gives us useful statistics. We keep all information confidential. We are registered under the Data Protection Act.

Bangladeshi	Indian
Black African	Pakistani
Black Caribbean	White
Black Other	Other-Please specify
Chinese	

Section Three – Special Requirements

Do you, your child or any other person attending the hearing with you have a disability that we may need to consider when choosing a venue for your hearing?

Yes No

If you have ticked yes then please provide information in the box below:

If we can help by translating any of our documents into another language, translating them into Braille or if you have any other special requirements such as a need for an interpreter or signer then please inform us in the box below.

Section Four- Your Appeal

Which Local Authority made the decision against which you are appealing?	
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On what date did the LA send you the letter giving you their decision?	
--	--

On what date did you receive the Local Authority's letter giving you that decision?	
---	--

Does your child have a statement of special educational needs?	
--	--

If 'YES', on what date was the statement made?	
--	--

Is there any other current Appeal to us in relation to this child that we are dealing with at the moment?	
---	--

If 'YES' please give the appeal number:	
---	--

Are you appealing in relation to another child in your family at the same time? What is the Appeal number?	YES NO
---	-------------

If you have answered 'YES' to either of the last two questions would you like these Appeal's to be heard at the same time?	
--	--

What are you appealing against?
Please tick the boxes that apply to your appeal.

Refusal to carry out Statutory Assessment

I (or the school) asked the Local Authority to assess my child but it refused.	
--	--

My child already has a statement. I (or the school) asked the Local Authority to re-assess my child but it refused.	
---	--

Refusal to make a statement of Special Educational Needs

The Local Authority assessed my child but refused to make a statement.	
--	--

Did they issue a Note in Lieu? If so what was the date of the Note in Lieu?	
---	--

If you have a Note in Lieu then please send us a copy and any supporting documents including any reports that formed part of the assessment.

Contents of a statement of Special Educational Needs

The Local Authority made a statement of special educational needs for my child, or refused to change it after a statutory re-assessment and:

I disagree with what part 2 of the statement says about my child's special educational needs.	
---	--

I disagree with what part 3 of the statement says about the educational help or provision my child should receive.	
--	--

I disagree with the school named in part 4 of the statement.	
--	--

The Local Authority has not named a school in part 4 of the statement.	
--	--

Change of School:

The statement was at least one year old when I asked the Local Authority to change the LA funded school named, but it refused.	
--	--

Decision to cease to maintain a statement

The Local Authority decided to cease to maintain (cancel) my child's statement.	
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Important: If you are appealing against the school named in part 4 please provide us with the name and address of the school you would prefer to be named:

School Name

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Address and postcode

Have you told the school you want it named in the statement?

Yes

No

If you have ticked yes please confirm the date you notified the school.

Date:

You must tell the school in writing that you would like them named in your child's statement and send us a copy.

If you want an independent or non-maintained special school named in part 4:

Do you have confirmation from the school that it has a place available for your child?	YES/NO
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If you do, please send us a copy of this letter/confirmation

Sometimes the school you want does not usually accept pupils with the needs your child has. In that case the Department for Children, Schools and Families needs to give something called "enabling consent". The school may tell you if this is necessary when they offer you a place.

Do you have written agreement from the DCSF to us naming the school?	YES/NO
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If you cannot name a particular school, please describe the type of school you would like your child to attend in the box below.

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Please Note: It is important that you give enough reasons to enable the Local Authority to respond to your appeal.

Below is a guide of what we need to know - Please fill in your reasons for the appeal in the box provided.

If your appeal is against

Refusal to assess or re-assess: Please provide us with the reasons as to why you think your child requires a statutory assessment/re-assessment.
Refusal to make a statement. Please provide reasons as to why you think your child requires a statement.
Parts 2 and/or 3 of the statement. Please give reasons as to what and why you disagree and what you would like the parts to include or exclude.
A school named in part 4 of the statement. Please give reasons why you think that the current school named cannot meet your child's needs and why you consider that the school you want to be named in part 4 is more appropriate for your.
Ceasing to maintain a statement. Please give reasons why you think your child still requires a statement.

Please continue on a separate sheet if needed.

Section Six- Claims about Disability Discrimination

At SEND we also deal with claims about Disability Discrimination in schools. If you require us to forward you a copy of our Claim form and booklet "Disability Discrimination in Schools" please tick the box below.

If you already have an existing Disability Discrimination Claim for this child, would you like this appeal to be heard at the same time?

Yes

No

Please provide us with the date your claim was sent in.

Please provide us with the claim number- If you have already been given one.

Section Seven - Lodging Your Appeal

Once you have filled in the appeal form, make sure that you (or **your legal representative**) have signed it (below).
Then, please send the form and copies of all the relevant documents to us at:

By post:

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

By Fax: 01325 391080- Please note original must be sent by post

Please note we cannot accept an Appeal form via email.

Please ensure that you keep a copy of your Appeal form.

PLEASE MAKE SURE THAT YOU HAVE SIGNED THE FORM ON THE FOLLOWING PAGE

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Parent One signature	
Parent Two signature (you need only sign this if you are appealing as well as parent one)	
Legal Representative signature (this box only needs to be signed if you have given your legal representative permission to act for you and sign on your behalf)	I Confirm that I have permission to act on behalf of the parent(s)
DATE	